Leges Marchiarum,

OR

BORDER-LAWS:

Containing ſeveral Original

ARTICLES and TREATIES,

Made and agreed upon by the

Commiſſioners of the reſpective Kings of ENGLAND and SCOTLAND,

FOR THE

Better Preſervation of PEACE and COMMERCE upon the Marches of both KINGDOMS: From the Reign of HENRY III. to the Union of the two Crowns in King JAMES I.

WITH A

PREFACE, and an APPENDIX of CHARTERS and RECORDS relating to the ſaid Treaties.

By WILLIAM Lord Biſhop of CARLILE.

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TO

The Right Honourable,

THOMAS

Earl of *Pembroke* and *Montgomery*, Lord Preſident of Her Majeſty's moſt Honourable Privy Council, Knight of the moſt Noble Order of the Garter, &c.

My Lord,

COULD I believe that any Treaties of Peace and Commerce are Strangers to Your Lordſhip, *I ſhould take theſe (which are humbly offer'd to* Your *Conſideration) to be of that kind; as reſpecting only ſo Poor and Refuſe a Part of Her Majeſty's Dominions, as may ſeem to fall below the Notice of ſo Great a Miniſter of State: And indeed few of the preſent Inhabitants of either the* Engliſh *or* Scotiſh *Borders, have ſo much as heard of theſe By-Laws of their Countrey, that Heavy Yoke which hung ſo long upon the Necks of their Anceſtors. So happily ignorant have we been of the Bondage of our Fore-fathers! But,* My Lord, *'twere an Unpardonable Supineneſs in us, at a Time when the Great Council of this Kingdom is ſo Alarm'd with the General Danger, not to conſider that Special Share which we are like to have in the Common*

Calamity; and how more immediately we muſt neceſſarily be under its Influences. If theſe Two Nations are again to be diſunited (which God forbid!) here are our peculiar Shackles; here we have a Draught of thoſe proper Miſeries, which are once more to be our Lot and Portion. 'Tis not impoſſible (for, with God nothing is ſo) but that the Storm, which now threatens us, may blow over; and that theſe Impending Clouds may break into Day and Brightneſs. For theſe Good Purpoſes, amongſt others, may the Almighty's Bleſſings ever continue to Crown the Counſels of our moſt Gracious and Religious Sovereign! And, may She never want the Support and Aſſiſtance of ſuch Counſellors as are Maſters of Your Lordſhip's Great Abilities, Honour and Integrity! Then will our preſent Fears, and Apprehenſions of Danger, be turn'd into Joy and Gladneſs. Nor will the Publiſhing of theſe Papers be of any farther Uſe and Significancy, than to ſhew how much more happy our preſent Condition is, than was that of former Generations; and to teſtify the Grateful Deſire which the Publiſher had of giving Poſterity this open Evidence, of his being,

My Lord,
Your Lordſhip's
moſt Obliged, and
moſt Humble Servant,
W. CARLIOL.

THE PREFACE TO THE READER.

'TIS now a whole Century of Year ſince the more Effectual *Union* of the Two Warlike Kingdoms of *Great-Britain* began to be ſolemnly debated in the Chief Councils of both of 'em: And the compleating of this mighty Work ſeems to have been reſerv'd by Providence for One of the Glorious Wonders of the Preſent Reign.

In this Seſſion of Parliament both Houſes have uuanimouſly deſired that it may be " Enacted by the Queen's moſt " Excellent Majeſty, *&c.* That ſuch " Perſons as ſhall be nominated by Her " Majeſty, under the Great Seal of *Eng-* " *land*, or ſuch and ſo many of them, " as ſhall in that behalf, be appointed " by Her Majeſty to be of the *Quorum*, " ſhall, by force of this Act, have full " Power, Commiſſion and Authority, " at ſuch Time and Times, and in ſuch " Place or Places, as Her Majeſty ſhall " pleaſe to appoint, to Aſſemble and " Meet, and thereupon to Treat and " Conſult, according to the Tenor or " Purport of their Authority or Com- " miſſion in that behalf, with ſuch " certain Commiſſioners, as ſhall be " authorized by Authority of the Par- " liament of *Scotland*, of and con- " cerning ſuch an *Union* of the King- " doms of *England* and *Scotland*, and " of and concerning ſuch other Matters, " Clauſes and Things, as, upon Mature " Deliberation, the greateſt part of the " ſaid Commiſſioners, Aſſembled as a- " foreſaid, and the Commiſſioners to be " Authorized by the Parliament of *Scot-* " *land*, according to the Tenor and Pur- " port of their Commiſſions in that be- " half, ſhall in their Wiſdoms think " con-

" convenient and neceſſary for the Ho-
" nour of Her Majeſty, and the Com-
" mon Good of both the ſaid Kingdoms
" for ever: Which Commiſſioners of
" both the ſaid Kingdoms ſhall, accord-
" ing to the Tenor or Purport of their
" ſaid Authorities or Commiſſions in that
" behalf, reduce their Doings and Pro-
" ceedings therein into Writings or In-
" ſtruments *Quadrupartite*, every Part
" to be ſubſcribed and ſealed by them;
" to the End that One Part thereof may,
" in all Humbleneſs, be preſented to
" the Queen's moſt Excellent Majeſty,
" two other Parts thereof to be offer'd
" to the Conſideration of the Parliament
" for the Realm of *England*, and another
" Part to be offer'd to the Conſideration
" of the Parliament for the Realm of
" *Scotland*, at their next Seſſion which
" ſhall be held in each Kingdom reſpecti-
" vely, after ſuch Writings or Inſtru-
" ments ſhall be ſubſcribed and ſealed
" by the ſaid Commiſſioners: That there-
" upon ſuch further Proceedings may
" be had as by Her Majeſty and both
" the ſaid Parliaments ſhall be thought
" fit and neceſſary for the Wealth and
" Common Good of both the ſaid King-
" doms; to whom the entire Conſide-
" ration of the whole, and the allowing
" or diſallowing the whole, or any part
" thereof, as they ſhall think fit, is

" wholly reſerved. PROVIDED al-
" ways, and be it Enacted and Declared,
" That no ſuch Commiſſion or Authority
" as aforeſaid, ſhall be granted, until an
" Act of Parliament ſhall be made in
" the Kingdom of *Scotland*, impowering
" Her Majeſty to grant a Commiſſion
" under the great Seal of that Kingdom,
" nominating Commiſſioners to treat con-
" cerning the Union of the two King-
" doms. PROVIDED alſo, and
" be it further Enacted and Declared,
" That no Matter or Thing to be Trea-
" ted of, Agreed, or Propoſed, by the
" ſaid Commiſſioners, by Virtue of this
" Act, ſhall have any Force or Effect
" to be put in Execution, until it be
" Confirmed and Eſtabliſhed by Act of
" Parliament of *England*, &c.

The Firſt Queſtion (when theſe Commiſſioners come together) will not be now, as ſometimes in the like Caſes heretofore, *Whether they are to treat as Delegates on an Equal Foot, as deriving their Authorities from two ſeveral Independent Monarchies*; *Or, as Proctors and Attourneys of a Supreme Lord of the Fee and his Vaſſals, a Conqueror and his Captives.* The Act gives no Umbrage for ſuch a Doubt or Diſtinction; notwithſtanding that our Private Politicians, without Doors, are fond of the Diſpute: Nor is there any (the leaſt) Foundation or Colour,

Colour, for the throwing in of ſuch an Unſeaſonable Bone of Contention, in any of the following Papers. Inſtead of that, 1. The King *(a)* of *England* is here obliged to certifie to the King of *Scots*, under His Great Seal, His Deſire or Reſolutions of breaking off His Treaties, or any part of them: And the King of *Scotland* is to do the like to his Brother of *England*. 2. The Merchants *(b)* and Ships-Crew of each Kingdom, ſhipwrack'd or driven aſhore in any of the Ports of the other Confederating Prince reſpectively, are to be free from Arreſts and Seiſure. 3. Letters of Safe *(c)* Conduct are equal; and grantable by neither to the Rebels of the other Kingdom. 4. Their *(d)* Occaſional Commiſſioners, or Delegates for the hearing and tryal of Extraordinary and Emergent Cauſes, are to be of Equal Number. 5. The *(e)* *Scotch* Ships are not to ſtrike Sail to the *Engliſh*: Nor (to ſhew the Equality of their Pretenſions to the Government of the Seas) ſhall the *Engliſh* ſtrike to the *Scots*. 6. The Bounds and *(f)* Limits of both the Kingdoms are reſpectively aſ-

(a) Vid. LL. *Hen.* VI. §. 2. & 3.
(b) LL. *Hen.* VI. §. 5, 6. *Ed.* VI. §. 14. *(c)* LL. *Hen.* VI. §. 7, 8. 15 *Ed.* IV. §. 3, 6. *Hen.* VIII. §. 7. *Ed.* VI. §. 8. *(d)* LL. *Hen.* VI. §. 20. *(e)* LL. *Ed.* IV. § 19. *Ed.* VI. §. 19.
(f) LL. *Ed.* VI. §. 1, 2, &c.

certain'd and ſet out. 7. Fugitives of *Scotland* may become (*g*) Lieges of *England*; *Et e contra.* A Proviſion which never could have been admitted by our *Engliſh* Ambaſſadors, had they (or their Maſter) believ'd that ſuch Fugitives from the Neighbouring Kingdom ow'd any Allegiance to the Crown of *England* before their Flight. 8. The (*h*) Forms whereby Offenders are to be tryed, are ſo adjuſted, that the whole Proceſs on the *Engliſh* Borders is agreeable to the known Methods in other Courts of this Kingdom; and, within the *Scotch Marches*, the Criminals of both Realms are judged according to the Modes obſerv'd in *Scotland.* 9. Laſtly, The (*i*) Biſhops of St. *Andrews* and *Dunkeld* have here ſuch Royal Immunities as no *Engliſh* Subjects ever claim'd; or, at leaſt, ſuch as never were allow'd to them in Treaties with Foreign Potentates.

The Reader will juſtly and reaſonably expect that I ſhould avow the Authority of thoſe Evidences which I produce in this Weighty Cauſe: And I hope 'twill fully anſwer his Expectations, to tell him, That theſe *Laws* (in the Form wherein they are now publiſh'd) have long ſlept in our Northern Borders. Fair Tranſcripts of 'em are in the hands of ſeveral Bordering Gentlemen of both Kingdoms;

(*g*) LL. *Ed.* VI. §. 12. (*h*) Vid. Append. Numb. I. and II. (*i*) L L. *Hen.* III. §§. 2, 5, 6.

and

and three of theſe were perus'd and compared by me. Two of the Copies thus compar'd were written in a Hand which ſeem'd to be as old as the latter end of Queen *Elizabeth*'s Reign; and I verily believe they were taken ſoon after the Date of the laſt of theſe Treaties. All the three appear'd to be well atteſted, and honeſt Tranſcripts of the reſpective Originals; ſo far at leaſt, as the Tranſcribers were capable of making them ſuch. I do not doubt but that Mr. *Rymer* will ſhortly prove that moſt of 'em are ſtill to be ſeen in our *Engliſh* Records; tho' I have reaſon to think that all of 'em are not ſo: Since the Firſt, which comes within the Limits of what that induſtrious Gentleman has already publiſh'd, is not to be found in his Excellent Collection. This, and ſome other Diſcouragements I was under, would have with-held me from beſtowing much time in ſearching for the Originals; had my Leiſure been Greater, and my Neceſſary Attendance in Parliament far Leſs, than it has been this Winter. The Lords Committees (who were lately appointed to *Conſider the Method of Keeping Records in Offices*) have juſtly (*k*) Reported, That there are a great number of Rolls in the *Tower* of *London* (amongſt which are

(*k*) See their Reports in the Journals of *Mar.* 30. *Nov.* 10. and *Jan* 31. 1704.

thoſe that bear the Title of *Rotuli Scotiæ*) whereof there are as yet no Kalendars or Abſtracts; and that in *Cæſar*'s Chappel, under the Leads in the *White-Tower*, multitudes of Records in ſeveral Reigns (ſeveral of which relate to State-Matters) lye in Confuſed Heaps, and in great danger of utterly periſhing. Amongſt theſe, there are doubtleſs a great many other Treaties of the like kind (and on the ſame Subject) with thoſe now publiſhed: Which nevertheleſs, as I have ſome cauſe to hope, will be found to contain in 'em the Subſtance of whatever ſhall be hereafter diſcover'd. Three of that ſort have been lately communicated to me by Mr. *George Holmes*, who is deſervedly recommended to Her Majeſty, by the forementiond Noble Lords, as a Perſon every way qualify'd for the Office of Chief Actuary in remedying the preſent Diſorders in the *Tower*: As, 1. One ſign'd at (*l*) *Berwick*, *Octob.* 3. 1354. wherein *John* Archbiſhop of *York*, *Thomas* Biſhop of *Durham*, *Gilbert* Biſhop of *Carliſle*, *Tho. de Muſgrave* and others, are Commiſſioners. 2. Another Memorable (*m*) one, in the Language of that Time, betwixt *Henry Percy* Earl of *Northumberland*, and *Archibald*

(*l*) Rot. *Scot.* 31 *Ed.* III. m. 2. in dorſo. It. Ibid. 36. *Ed.* III. m. 4. (*m*) Rot. *Scot.* 8 *Ric.* II. m. 4. See it alſo in the *Appendix*, Num. VI.

Douglas

Douglas Lord of *Galloway*; in the Days of King *Richard* the Second. 3. A Third between our *Richard* the Third and *James* King of *Scots*. Several other uſeful Collections and Remarks (ſome of which are (*n*) referr'd to in this Preface) were kindly afforded me by Mr. *Thomas Madox*; whoſe *Formulare Anglicanum* will be a laſting Evidence of its Author's exact Skill in our *Engliſh* Antiquities and Records. I ought likewiſe to give the Reader an Account whence I had the reſt of thoſe Papers which make up the remaining part of the *Appendix*: And 'tis fit he ſhould know, That the Order of Court-keeping on the *Engliſh* Borders was given me by *Alan Chambers* Eſq; Barriſter at Law, and one of Her Majeſty's Juſtices of the Peace for the County of *Weſtmoreland*; that of *Anandale*, together with the Lord of *Wharton*'s Eſtabliſhment of the Watches on the *Engliſh* ſide, was copy'd for me out of the Library of the Advocates at *Edinburgh*; and the *Durham-Charters* were tranſmitted by my Worthy Friend, Dr. *John Smith*, Prebendary of that Church.

To return to our main Argument; There's nothing aſſerted in theſe *Border-Laws* (in Relation to the Independency of the Crown of *Scotland* upon that of

(*n*) And others publiſh'd in the *Appendix*, Num. VI.

England) but what, in Truth, is the Plain Doctrine of Queen *Elizabeth*'s Juſt and Honeſt Reign; wherein no *Crimen Falſi*, no Counterfeit Forms of Homage, or Claims of Power, were ever countenanc'd. Biſhop *Leſley*'s (*o*) Manuſcript Journal of the Proceedings in the Treaty at *York* (*A. D.* 1568. when *England* was as much ſuperior to *Scotland* as ever it was in the Days of Her Majeſty's Progenitors) tells us, That the Commiſſioners of the Queen of *Scots* made — "*This* "*Solempne Proteſtation in Wrighttinge,* "*that for as much as we were aſſembled to* "*treat as Commiſſioners of a Free Princes,* "*therefore we proteſted that our Proceed-* "*ings in that Conference and Treatie ſhould* "*not prejudice the Queen our Sovereigne,* "*nor Her Heyres or Succeſſors of the* "*Crown of* Scotland, *touching the Claymes* "*of Superioritie, ſometime pretended by* "England: *Alſo, that we were not come* "*to pleade or debate anie Cauſe in Law* "*before them, as our Lawful Judges;* "*But in caſe the Treatie ſhould not be fully* "*ended at this time by our liberal Conſents* "*and Agreements, that then all things pro-* "*poned and treated in that Conference, to* "*be of no greater force nor effect, then we* "*had never been aſſembled. Which Pro-* "*teſtation was receyved and admitted* "*by the Commiſſioners of* England, *and*

(*o*) In *Bibl. D D. Advocatt.* Edinburg. pag. 7.

"*inſert*

" *inſert in their Books.* This Memorable Paſſage I have faithfully recited in the Author's own Words; and the rather, becauſe Archbiſhop *Spotiſwood* and others have given us a different Repreſentation of the Matter. By the (*p*) Forms of Oaths adminiſter'd, in this Queen's Time, to the Governor and other Officers and Soldiers in the Town of *Berwick*, it appears how perfectly diſtinct the Realm of *Scotland* was then thought to be from thoſe of *England* and *Ireland*; and what care was taken to keep that Gariſon without Mixture, and always *true Engliſh*.

'Tis not to be deny'd but the Stile of our Kings in their Declarations of War againſt *Scotland* (as it commonly happens amongſt Princes) is ſtrangely different, and their Pretentions and Claims quite of another nature, than what we find them to be in their Treaties of Peace: And this Occaſional and Extraordinary Stretching of Titles, and Change of Phraſe, not attended to by our Heedleſs and Impolitic Hiſtorians, has given Riſe to a great many Falſe Notions of the Antient Government of thoſe two Kingdoms. When (*q*) *Edward Bailiol* had ſurrender'd *Scotland* to our King *Edward* the Third, it was thought fit to declare, that no Innovation was deſign'd in the

(*p*) See the *Appendix*, Num. V. (*q*) Vid. Rot. *Scot.* 29 *Ed.* III. m. 12. Et, 30 *Ed.* III. m. 8.

Antient

Antient Laws and Government of that Kingdom: And, ſix Years after this, (*r*) *David Bruce*, againſt whom our ſaid *Edward* had ſupported the forementiond *Bailiol*, and who had hitherto been always declared an Uſurping Rebel, is call'd *Frater Noſter*; and Orders are given for the inviolable Conſervation of the Treaties of Peace betwixt the two Kings. But the moſt remarkable Inſtance of this great Variety in the Regal Stile, is in our *Henry* the Sixth; who (in His Treaty with King *James* of *Scotland*, now publiſh'd) ſpeaks in a ſtrain of Meekneſs and Brotherly Affection, becoming the Natural Diſpoſition of that Religious Prince; And yet, upon a following Breach with his ſaid Neighbour and Confederate, even *He* can talk in as lofty a manner as any of His Royal Anceſtors did on the like Occaſion. Witneſs the Record that here follows: (*s*) *Rex Illuſtri Principi* Jacobo, *Se pro Rege* Scotorum *gerenti*, *Salutem. Verum & Notorium eſt*, *Supremum Jus & directum Dominium Regni* Scotiæ *ad Regem* Angliæ *utpote totius* Britanniæ *Monarcham*, *de jure pertinere*, *Ipſumque Regem* Scotorum *tanquam Vaſſallum Regi* Angliæ, *ut Superiori Domino ſuo*, *Leigeitatem*, *Fidelitatem & Homagium*, *debere*. *Noſq; & Progenitores Noſtros Reges* Angliæ *in poſ-*

(*r*) Rot. *Scot.* 29 *Ed.* III. m. 3 & 4. (*s*) Rot. *Scot.* 32 *Hen.* VI. m. 1.

ſeſſione

ſeſſione præmiſſorum etiam per tempus cujus initii non extat memoria hominum uſque ad tempus Veſtrum extitiſſe. Proinde quid ſit ſubditum adverſus Dominum cervicem inſolenter erigere, ſeu in Læſionem Status & perſonæ ſuæ quicquam temere attemptare, quæ ſit pœna Criminis Læſæ Majeſtatis, quæ Rebellionis, quæ Denegationis Fidelitatis & Homagii Domino debiti, non ignorant Sapientes. Quæ ſi Vobis forſan parum intellecta fuerint, hortamur Vos ſic agere in poſterium, ne reipſa & experintia ſentiatis ad illas Veſtras plenas Jactantiæ, Levitatis & Contumeliæ, Literas Nobis pridem exhibitas per quendam Lionnem, *quem Veſtrum* Herraldum *& Armorum Regem aſſeruiſtis, hæc reſpondiſſe ſufficiat, Morem eſſe eorum qui Dolis potius quam Armis pugnant, primo impetum facere, poſt deinde Bellum denuntiare; atque, quaſi ipſi culpa carerent, Crimen ſuum in alios transferre; Nec non, ſub umbra Pacis & Treugarum Velamento, Perniciem, Fraudes & peſtiferas Inſidias machinari. Sed quia eludi dedignamur, alias fortaſſe alio modo etiam rebus & factis reſpondebimus. Quod Vos, Veſtrique contra Religionem Juris-jurandi, atque contra Jus Gentium & Fidem Treugarum, Nos & Noſtros tot Dolis, tot Injuriis, Rapinis, Latrociniis & Contumeliis, quæ facile numerari non poſſunt, totiens indigne affeceritis, ſilentio potius præterire duximus quam literis aſſignare; Turpe & indignum*

Autho-

Authoritate Noſtra arbitrantes probriis & contumeliis more Veſtro, contendere. Illud autem ad Notitiam Veſtram pro certo deducimus, quod nos Jactantiam & procacitatem hujuſmodi, in qua puſillanimes & ignavi potiſſimum dilectari ſolent, non ſolum nullatenus formidamus, ſed etiam omnino contemnimus: Quodque, cum maximis jam injuris & contumeliis laceſſiti ſimus, Veſtram hujuſmodi Inſolentiam, Rebellionem, Arrogantiam & Conatus temerarios, favente Altiſſimo & fortiter comprimere, & ſevere caſtigare, intendimus. Optantes nihilominus, uti Chriſtiano Principi convenit, quod Dominus Noſter Jeſus Chriſtus Vos ab Errore in Viam Veritatis & Juſtitiæ reducat, & ſpiritu conſilii Sanioris inſpiret. Dat. ſub magno Sigillo Noſtro, apud Windeſore, xxvi°. *die* Julii. *Per Breve de Privato Sigillo.*

One would hardly imagine that even the moſt weighty Reaſons of State could prevail with a King (within the compaſs of leſs than ſeven Years) to ſpeak to His Neighbouring Prince in a Language and Form of Words ſo extremely different from thoſe wherein he had ſo lately allow'd His Commiſſioners to treat: But it's yet far more ſurprizing to find a Natural Subject of *Great Britain* (whilſt his Sovereign is graciouſly propoſing a more ſtrict UNION betwixt Her two Independent Kingdoms in this Iſland) to publiſh

liſh a Book under the provoking Title of (*t*) *The Superiority and Direct Dominion of the Imperial Crown of* England *over the Crown and Kingdom of* Scotland. Mr. *Atwood* ſeems to intrench himſelf againſt all Oppoſers, when he tells us, (*u*) That *the Act of Settlement makes it High Treaſon, by any Overt Act, to derogate from the Right of the Houſe of* Hanover *to the Crown of* England, *and its Appendages:* Amongſt which, he reckons, he has effectually prov'd the Dependent Crown of *Scotland.* 'Tis not my Buſineſs to enquire what ſort of *Rights* may be juſtly claim'd by any of Her Majeſty's Succeſſors, in Virtue of that Act; ſince I heartily hope that I ſhall never live to ſee another Prince on the *Engliſh* Throne: Nor do I deſire (in the leaſt Tittle) to weaken the Powers of a Law, which I truſt (as I earneſtly beſeech God it may!) will continue the True Proteſtant Faith and Succeſſion in this Kingdom, to all Future Generations. That (*w*) Learned Perſon, who has undertaken to unravel all this Gentleman's Confuſed Lump of Authorities, will not be ſcared with ſuch *Bruta Fulmina* as theſe. He knows very well that Her preſent Majeſty, in Her late (*x*) Letter to the Parliament of *Scotland*, has

(*t*) 8vo. *Lond.* 1701. (*u*) Pag. 568, 569.
(*w*) Mr. *Anderſon.* (*x*) Dated *Jun.* 25. 1704.

been

been thus pleas'd to expreſs Her ſelf, *As to Terms and Conditions of Government, with Regard to the Succeſſor, we have empower'd our Commiſſioner to give the Royal Aſſent to whatever can in Reaſon be demanded, and is in our Power to grant, for the Securing the* Sovereignty *and Liberties of that our Antient Kingdom:* And that, in Performance of this Gracious Promiſe, Her Commiſſioner has accordingly given the Royal Aſſent to the *Act of Security*; which has made ſuch an Ample Declaration of the Independent *Honour and Sovereignty of the* Scottiſh *Crown and Kingdom*, as muſt for ever hereafter ſilence all our Diſputes on this Head.

However, that this Courteous Author may not think any of the kind Favours which he has beſtow'd upon me to be wholly thrown away, I ſhall here make my Acknowledgments for the chief of 'em; hoping that he'll forgive me, if I ſilently paſs over ſuch Flowers as theſe: The *(y)* Biſhop *thinks the moſt fully atteſted Truths to be Fables, and Fables of late Invention the moſt undeniable Truths*; He *(z) gives greater Credit throughout to the* Scotch *Antiquities, than to the* Engliſh; and (in ſhort) is a *(a) Supporter of* Scotch *Fables.* What looks like true Controverſy betwixt us, is Prefaced with great

(y) See Mr. *A*'s Book, *p.* 15. *(z) Ibid. p.* 327. *(a) Pag.* 497.

Good-

Goodneſs and Sweetneſs of Diſpoſition towards his Countrymen of *Scotland:* He *will* (he *(b)* ſays) *give them the Advantage of an* Engliſh *Prelate's Teſtimony for them*; *but will* (withal) *make ſome ſhort Remarks, to take off from that Authority.* Such Bounties as theſe, which are given with one hand, and taken away with the other, the *Scots* have long complain'd of: And they ſeem now, at laſt, to be grown weary of thoſe empty, trifling, and inſignificant Benefactions. To come therefore to ſomething that appears more ſolid.

1. His moſt Principal, and moſt Tedious Objection, is againſt my receiving Sir *Thomas Craig (c) as an Oracle upon our preſent Queſtion*; the Independency of the ſuppos'd *(d) Imperial* Crown of *Scotland* upon that of *England.* And this, I hope, may be anſwer'd in ſomewhat fewer Words than 'tis offer'd. I do ſtill profeſs my ſelf to have an Extraordinary Veneration and Eſteem for the Memory of that Excellent Writer; and can therefore very readily allow Mr. *A.* to call him *a Favourite Author.* Such, I do ac-

(b) Pag. 16. *(c)* See his Book, *pag.* 18, 19, 20, 21. *(d)* This Epithet is to be ſeen in the Laws of *Scotland* much more frequently, and more early than Mr. *A.* conceives, *p.* 1. See alſo *Speed*'s Chronicle, *p.* 373.

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knowledge, he is with me: And 'tis not impoſſible but that I may, in the Warmth of my Affection, have expreſs'd a more kind Opinion of his Performances, than my nicer Adverſary thinks he deſerves. In that Book of mine, to which he refers, 'tis indeed aſſerted, *(e)* That *there's an Elaborate Treatiſe of this Author's Compoſure, which bears the ſhort Title*, De Hominio; proving, *That the Kings of* Scotland *never paid*, &c. And let this mighty Critick in the *Feudal Law* know, That, when I ſay that he *proves*, I do not deſire that my Reader ſhould underſtand any more by that Word, than that his Arguments are ſuch *probable* Ones, as command (for the preſent) my Aſſent; which is all the *Proof* that I look for in a Writer on his Subject: For I am not altogether of Mr. *A*'s Mind, That *(f) where Authorities are received, and the only Queſtion is about the Senſe of them, the true Senſe is as capable of a Demonſtration as any Propoſition in* Euclid. 'Tis not long ſince I heard Ten Reverend and Learned Judges very much divided, in giving the *true Senſe* and Meaning of a certain Clauſe in an *(g)* Act of Parliament of no ſmall Conſideration; and yet all of 'em agreed, that the *Authority* of that Statute was very firm and good: And I

(e) Scotch Hiſt. Libr. *p.* 277. *(f) Pag.* 20.
(g) The Act of Succeſſion.

do

do not queſtion but that Mr. *A.* himſelf will allow that it is ſo. One that had been much converſant in *Euclid*, would not argue at this looſe rate! I have but one eaſy Favour more to beg in the Explaining of this unfortunate Way of Expreſſing my ſelf, which has ſo far offended this Author; and that is, That he'll charitably believe (an honeſt Truth) that a little *Parenthefis*, of two ſmall Syllables, ſlipt thro' the Printer's Fingers; and that the Words ſtood thus in his Copy: *Proving that the Kings of* Scotland *(as ſuch) never pay'd, nor owed, any Homage to thoſe of* England. The *Scotch* Writers unanimouſly grant, that (as long as ſome of the *Engliſh* Counties were in their Poſſeſſion) their Monarchs pay'd the like Suits and Services for thoſe Counties, as ours ſometimes did for *Normandy* and *Aquitain:* Nor can it be deny'd, but that they did likewiſe *de facto*, (by Conſtraint, and under the Awful Influences of the irriſiſtible Powers of ſome of our Kings) ſometimes Read over ſuch a more Copious Form of Homage, as their powerful Neighbours thought fit to dictate. But Sir *Thomas Craig*, I think, has pretty evidently *prov'd*, That they never did (nor *could do*) this *de Jure*, in Compliance with any known Law of their own Kingdom: And Mr. *A.* is too well vers'd in the Fundamentals of all Laws,

not

not to know, that, *id tantum poſſumus, quod de jure poſſumus.* I hope therefore, that he'll excuſe me from running on his Errand, to ſee how Accounts ſtand betwixt him and Dr. *Brady*; ſince I am fully perſuaded that Sir *Thomas Craig* knew the Hiſtory and Progreſs of the *Feudal Law*, in theſe and other Kingdoms, as well as either of 'em. And as little ſtomach have I to go on his other Meſſage, when he'd ſend me to Venerable *Bede*, (who dyed near a Thouſand Years ago, and, as *(h)* ſome think, before either of the Monarchies of *England* or *Scotland* was thoroughly ſettled) to enquire, *how conſtant the Quarrels between the two Nations have been.* He allows the *(i) Saxon* Chronicle to be a *better Authority* than *Bede*; and I need not tell him, that *this* pretty ſufficiently proves the *Conſtancy* of our Quarrels. That the Government of this whole Iſland ſhould be *truly* (*k*) Britiſh, *till the Great Council of the Kingdom in* Ecgbert's *time conſented, out of Reſpect to to their King, that the Monarchy ſhould be new named*; and yet that I ſhould be quarrel'd with, as here and (*l*) elſewhere I am, for admitting of Sir *T. C*'s Opinion, That *no King in* England *was big enough to demand Homage before that time:*

(h) Of whom Mr. *A.* himſelf ſeems to be one. See his Book, *pag.* 72. 162. 164. *(i) Ibid. p.* 70. *(k) P.* 162. *(l) Pag.* 156.

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This, I confeſs, looks myſtical. And 'tis yet more ſo, That (notwithſtanding all this) *the* (*m*) Britiſh *and* Saxon *Power in this Iſland was united* (about a Hundred Years before *Ecgbert*'s time) *in* Ina; and that (*n*) *by a general Conſent of all, whoſe Conſent was of any Avail, but no* (*o*) *full National Conſent.* Banter and Croſs Purpoſes are the Modiſh Entertainment of the Times and Age we live in; and all our Diſputes (I ſee) muſt end at laſt in *a Tale of a Tub.*

2. The Learned Pains he takes (*p*) to reconcile the Dates of Mr. *Rymer*'s Copy of *Malcolm* the Third's Homage, bearing date in the Year 1065. with that in the (*q*) Lord *Longvil*'s Library, which is dated in 1043. is another Inſtance of his myſterious Way of Writing. The one of theſe, he ſays, follows the *Evangelical*, and the other the *Dionyſian* Computation; the Difference betwixt which is juſt 22 Years: And this reconciles all. And, Can my Lord's then be an *Exemplification* (as he (*r*) calls it) of the other? Let Mr. *A.* honeſty anſwer me; Would he applaud the Learning (or not, rather, correct the Inſolence and Impertinence) of a Clerk that ſhould be

(*m*) *Pag.* 164. (*n*) *Ibid.* (*o*) *Pag.* 170. (*p*) *Pag.* 216, 217. (*q*) Mention'd in my *Scotch* Hiſt. Libr. *p.* 281. (*r*) See Mr. *A*'s Book, *p.* 225.

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directed to Copy a Record; and inſtead of Tranſcribing the *Engliſh* Date, as it ſtands before him, ſhould preſent him with a Foreign One (in Appearance different, but by Men of Skill and Travellers) reconcileable with Ours? I dare ſay, he's the only Man of his Profeſſion that would thus countenance ſuch a Pedantic Falſifyer of Evidences.

3. I am (*s*) blamed for not conſulting thoſe Original Charters my ſelf, of which I have (*t*) publiſhed a Liſt: And he farther inſinuates, That *theſe atteſt the Truth of what Biſhop* Tonſtal *had long ſince affirm'd* in the Caſe of the *Scotch* Homage. The Reader will find all the Five Charters of King *Edgar* (which are here to be underſtood, and whoſe Titles I have given him in my (*u*) *Scotch* Library) in the (*w*) *Appendix* to this Book: And he'll ſoon perceive (for they are all very ſhort) that there's not one Word in any of them, that makes for or againſt this Gentleman's Doctrine of Homage. I have alſo, to oblige him, there publiſhed a Copy of a Sixth Charter, pretended to be granted by the ſame King, which I juſtly call a *Counterfeit*; having ſo many undeniable Marks of Forgery, that the (*x*) Learned Perſon who furniſh'd me

(*s*) *Ibid. p.* 252. (*t*) Append. to *Scotch* Hiſt. Libr. *p.* 363. (*u*) *Ibid.* (*w*) Num. IV. (*x*) Dr. *John Smith*, D. D.

with

with a Catalogue of all the Ancient Charters in the Church of *Durham*, thought it not worthy to be rank'd amongſt the reſt, but judiciouſly branded it with this concluding Note: *Præter quinque Cartas* Eadgari *Regis genuinas, habetur etiam alia data apud* Norham; *quæ, cum ſpuria videatur, illis non annumerandam (indicio tamen hoc obſcuriori notandam) duximus.* This is that Curious Piece to which (*y*) Biſhop *Tonſtal* refers us in his Letter to the then Lord Protector, *&c.* where he ſays; *Ye ſhall alſo find in the ſaid Copies, the Gift of the Barony of* Coldingham, *made to the Church of* Dureſme, *by* Edgar *the King of* Scots; *which Original Gift is under Seal, which I ſhewed once to my Lord* Maxwell *at* Dureſme, *in the preſence of you my Lord Protector. I find alſo a Confirmation of the ſame Gift by* William Rufus, *in an Old Regiſter, but not under Seal; the Copy whereof is ſent herewith.* To give this Authority all the Advantage poſſible, and to ſet it in its beſt Light, I ſhall here give a true Copy of the ſaid Confirmation; which is ſtill to be ſeen in the Regiſter-Book foremention'd: *W. Rex Anglor. Thomæ Eburacenſi Archiep' & omnib' ſuis fideleb' Francis & Anglis & Scottis ſalutem. Sciatis me conceſſiſſe Deo omnipotenti, & Eccleſiæ Dunel-*

(*y*) See the *Appendix* to Biſhop *Burnet*'s Hiſt. of the Reform. Vol. II. B. 1. Num. 9.

menſi, & Sancto Confeſſori Cuthberto, & Willielmo Epiſcopo, & Monachis in eadem Eccleſia Deo ſervientibus, & in perpetuum ſervituris, terras in Lodoneio quas Eadgarus Rex, filius Malcolmi Regis Scotor' Deo & ſupradictæ Eccleſiæ, me concedente, donavit. Manſionem ſcilicet de Berwic, & has ſubſcriptas manſiones, Greidene, Leinhale, Dylſterhale, Brycgham, Ederham, Cirneſide, Hyltun, Blacedre, Cynebribtham, Hotun, Reinintun, Paxtun, Fugeldene, Mordintun, Lambertum, aliam Lambertun, Hædrintum, Fiſcwic, Horeford, Upſetintun, & maſionem de Collingham, & has ſubſcriptas manſiones, Aldcambus, Lummeſdene, Riſtun, Suineſtun, Farndun, Eitun, aliam Eitun, Prenegeſt, Crammeſmeide, Hædentun. Has ſuperſcriptas manſiones cum adjacentib' terris, & ſilvis, & aquis, & omnibus theloniis, & navium fracturis, & aliis Conſuetudinib' ſuis, ſicut eas Malcolmus Rex unquam melius habuit, Deo & Sancto Cutherto in perpetuum concedo. Now, whether this be (as Biſhop *Tonſtal* calls it) *a Confirmation of the ſame Gift*, will be beſt learn'd by comparing them together; And, when we do that, this of our *Engliſh* King will be found the leſs liable to Exception, ſince here are no Witneſſes that may prove its being as manifeſt a Forgery as the other: Whereas King *Edgar*'s is atteſted by *William* Biſhop of *Durham*, who, (as the *Saxon* Chronicle informs us) was dead a Year before that King came

came to his Crown. The Words, *me concedente*, are what chiefly make for Mr. *Atwood*'s Purpoſe, and ſeem to argue for ſuch a Dependency as might appear to be reaſonably founded on King *Edgar*'s being put into Poſſeſſion of his Crown and Kingdom by the Aſſiſtance of King *William*: And yet he cannot but know, that Borderers have ever thought it their Intereſt to have Confirming Charters from the Princes of all ſides; Nor is it to be preſum'd that *Engliſh* Subjects, ſuch as the Monks of *Durham* were, ſhould venture to take Lands from a Foreign Prince, without the leave of their own: There's another Notable Paragraph in Biſhop *Tonſtal*'s Letter, relating to the Matter of the *Scotch* Homage and Dependency, which I ſhall beg leave to tranſcribe at length: *Furthermore, your Grace, and you the Right Honourable Lords of the Council, ſhall underſtand, That in making much ſearch for the Premiſes, at the laſt we found out of the Regiſters of the Chapters of* Dureſme *when it was a Priory, the Copy of a Writing, by which King* Edward *the Second doth renounce ſuch Superiority as he had in the Realm of* Scotland, *for him and his Heirs, to* Robert *King of* Scots *then being; as will appear by a Copy of the ſame, which I do ſend you herewith; making mention, in the end of the ſaid Writings, of a Commiſſion that he gave to* Henry *the Lord* Per-

cy, *and to* William *the Lord* Souch, *under his Letters Patents, to give his Oath upon the ſame. And after the ſaid Writing, we found alſo in the ſaid Book, a Renunciation of the ſaid King* Edward, *of a Proceſs that he had commenced before the Biſhop of* Rome, *againſt* Robert *King of* Scots, *and his Subjects, for breaking their Oath to him; as will appear by the Copy thereof, which I do ſend alſo herewith. And touching the ſaid Renunciation of King* Edward *the Second, to the Superiority of the Realm of* Scotland, *I have often heard it ſpoken of by the* Scots, *but I did never ſee the Form of it in Writing, until I ſee it now; which thing it is not unlikely but the* Scots *have under the Seal of the ſaid King* Edward. *Whereunto Anſwer is to be made, That a King renouncing the Right of his Crown cannot prejudice his Succeſſors, who have, at the Time of their Entry, the ſame whole Right that their Predeceſſors had at their firſt Entry; as Men learned in the Civil Law, can by their Learning ſhew.* Let it be here obſerv'd, That this worthy Biſhop was an eminent Mathematician, very well vers'd in *Euclid*; and his Arguments have commonly that Weight in 'em, which the World expects in Diſcourſes penn'd by Men skill'd in that ſort of Knowledge. He was well aware, that *Edward* the Second's Solemn Renunciation of the Sovereignty over *Scotland*, might reaſona-

bly be eſteem'd a Bar in Law againſt the like Pretenſions in his Succeſſors: And therefore, to obviate the Force of ſuch an Objection, he takes notice, (from the known Maxims of the Civil Law, prevailing in *Scotland*) that a Prince's *renouncing the Rights of his Crown cannot prejudice his Succeſſors.* But, will not the ſame Plea hold good in the Caſe of the *Scotch* Homage? Was not this look'd upon, by the People of *Scotland*, as a baſe *Renouncing of the Rights of their Crown*, in thoſe Princes of theirs who humbled themſelves in this Manner? That thoſe were their Sentiments, appears from that Authentic *Letter from the* Scottiſh *Nobility to the Pope, concerning their being an Independent Kingdom*; which immediately follows Biſhop *Tonſtal*'s, in the forequoted, *Appendix*; wherein we have this Proteſtation, in Reply to our *Edward* the Second's Proceſs, mention'd by that Biſhop: *Quem*, ſpeaking of their then King *Robert*, *(ſi ab inceptis deſiſtet, Regi* Anglorum, *aut* Anglicis, *nos, aut regnum noſtrum, volens ſubjicere) tanquam inimicum noſtrum, & ſui noſtrique Juris ſubverſorem, ſtatim expellere nitemur; & alium Regem noſtrum, qui ad defenſionem noſtram ſufficiet, faciemus: Quia, quamdiu centum vivi remanſerint, numquam* Anglicorum *Dominio aliquatenus volumus ſubjugari.* I have dwelt the longer upon this Charter, becauſe 'tis

Mr. *Atwood*'s (z) Chief Bulwark: And yet there's just such another in the (a) *Monasticon Anglicanum*, which makes this very Homage done to *William* the Conqueror; notwithstanding that he was dead long before King *Edgar* was seated on his Throne. Many such Supporters as these Mr. *A.* might have, without Travelling so far as *Durham*, as (b) Mr. *Tyrrell* has lately inform'd him: But (I must beg leave to say, that) if these Witnesses carry his Cause, he meets with more favourable Judges than some of his Neighbours have had.

4. His Fourth Objection is of the same kind with that last mention'd; tho' I shall neither trouble the Reader nor my self with an Answer half so long, as has been already given to the other. It seems, I have censur'd a (c) Considerable Evidence of the Superiority and Power of an *English* Archbishop, (within the Kingdom of *Scotland*) as (d) *justly liable to exception*: Whereas Sir *Thomas Craig*, who *understood this Point better*, has given that whole Story a quite different Turn. Now would I be very thankful if he'd dismiss me, and settle the *Point* with one that

(z) See his Book, from *Pag.* 248, to 253. (a) *Tom.* 1. *p.* 45. (b) Pref. to the Third Vol. of his Hist. (c) See Mr. *A*'s Book, *p.* 280. (d) *Appendix* to *Scotch* Hist. Libr. *p.* 357.

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underſtands it better than I do. But he's (*e*) preſently upon me again, for (the like Tranſgreſſion) the giving up the Ancient Juriſdiction of the See of *Canterbury* over *Scotland*. I ſhall (as I am truly perſuaded) be one of the laſt Men living that will ever attempt the Leſſening of the Metropolitical Powers of either of the Archbiſhops of *England*; and therefore, out of that hearty Concern and Honour I have for their Authority, I ſhall always endeavour to purge their Hiſtory of all Legendary Fables. Of the Six pretendedly Authentic Inſtruments, which (to guard Poſterity againſt the improper Uſe which might hereafter be made of them) I thought fit to publiſh from the *Cotton*-Library; the *two laſt* are thoſe which I think *eſpecially liable to exception:* And yet both of 'em, as Mr. *Atwood* will have it, are Venerable Remains of Antiquity; ſuch as ought not, by any means, to be rejected. Let the Reader impartially judge of the Matter. In the former of theſe, *William* King of *Scots* thus addreſſes himſelf to the Pope: *Noverit Sanctitas Veſtra, quod de Subjectione Eccleſiæ* Scotiæ, *quam* Eboracenſis *Eccleſia* antiquo jure *ſibi vendicat, tam ex Scriptis auctenticis, quas inſpexi, quam ex relatione & teſtimonio Virorum antiquorum, auctenticorum & veridicorum, diligenter veritatem*

(*e*) Mr. *A*'s B. *p.* 284, 285.

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inveſtigando comperi; *quod* ab antiquis temporibus *ad* Ebor. *Eccleſiam de jure pertineat*; *& quod Poſſeſſionem ejus hoſtilitate & potentia Regum Prædeceſſorum meorum amiſerit. Set jam, per Gratiam Dei, inter Dominum meum Regem* Angliæ, *& me pace in perpetuum reformata, ſuppliciter poſtulo quatenus Domino meo, Regi & Regno ſuo, &* Ebor. *Eccleſiæ prædictam Poſſeſſionem & Subjectionem, veſtra Auctoritate, omni Objectione & Appellatione remota, reſtitui & redintegrari præcipiatis: Nec ſine*, &c. In the latter, that King's Predeceſſor thus accoſts the Archbiſhop of *Canterbury*: *Petimus etiam ut recordari dignemini, quod vobis jam quadam vice ſuggeſſimus de Epiſcopis S.* Andreæ, *quod in* antiquis temporibus *non ſolebant conſecrari, niſi vel ab ipſo* Romano *Pontifice, vel ab Archiepiſcopo* Cantuarienſi. *Hocque tenemus, & per Succeſſiones temporum ex Auctoritate fixum habuimus, quouſque Dominus* Lanfrancus *Archiepiſcopus neſcimus quo pacto, abſentibus nobis & noſtris,* Thomæ Ebor, *Archiepiſcopo illud ad tempus relaxaverat. Quod omnino veſtra, ſi placet, auctoritate ſuffulti, non concedimus.* How are theſe two Declarations of the *Antient State* of the *Scottiſh* Church conſiſtent? And who (beſides Mr. *Atwood*) would have the Courage to think both of 'em Genuine?

5. He

5. He takes occaſion to (*f*) obſerve, from my ſaying (*g*) that the Year 1157. is *the firſt time that there's a* Salvo *recorded in the* Scotch *Homage*, to diſpute whether the *Oxford* Copy, or that which I met with in *Scotland*, be the more authentick. This Controverſy will end when I have told him, that, as ſoon as he comes to conſult them again (as I have done) he'll find that they both agree in this Particular; and that, tho' I overlook'd it in the Printed Book, he might have had the Advantage of making the Diſcovery. As groſs is his following Miſtake, when he adds, That I was *kinder to my Neighbours than to ſhew wherein the Manuſcript Copies of the Chronicle of* Mailros, *which are to be met with in* Scotland, *differ'd from the* Oxford *Edition*: Since, had he look'd into my (*h*) *Appendix*, he would have found ſuch a Collation of them as he ſeems to deſire. To conclude this Debate, Mr. *Atwood* has (*i*) formerly acquainted the World, that ſome have thought that he had *too much Law* for a Chief Juſtice in *New York*; and others, who are as proper Judges of his Qualifications, may poſſibly think that he has *enough* for the Diſcharge of that Great Truſt in *Old England*. I am truly ſenſible of my own Inſufficiency, to engage with any Man (in

(*f*) *Ibid. p.* 327. (*g*) *Scottiſh* Hiſt. Libr. *p.* 80.
(*h*) *Ibid. p.* 347. (*i*) See his Caſe, *p.* 13.

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Law-Matters) of that high Character; and muſt therefore humbly wiſh that here may be an end of the Controverſy between us.

The Dioceſe of *Carliſle* has great reaſon to deprecate ſuch a Diſunion of the two Crowns, as ſeems now to threaten it; and to be diſpleas'd with all the provoking and perverſe Doctrines that look that way: The Public Records of this Kingdom, as well as thoſe more Private Ones that have ſurviv'd the Miſeries and Confuſions of the Times wherein they were penn'd, being ſufficient to inform us what our Condition is like to be, whenever God (in his Juſtice, and for the due Puniſhment of our manifold Tranſgreſſions) ſhall think fit to pour upon us the ancient *Vials of his Wrath*, and once more *ſuffer his whole Diſpleaſure to ariſe* in Judgment againſt us. The Reader will pardon me, if I do that Right to my Predeceſſors, as to obſerve, that they ever paid ſuch Duty to their Natural Sovereigns, as inviolably to preſerve their Allegiance in the midſt of all theſe Calamities: And, it muſt be likewiſe, with Gratitude, acknowledg'd, that our Kings (*k*) aſſign'd them ſuch a Retreat, in the *Southern* Parts of this Realm,

(*k*) *Vid.* Rot. Pat. 8 *Ed.* II. *p.* 1. *m.* 17. Rot. Rom. 12 *Ed.* II. *m.* 10.

as

as was then an ample Recompence (and is ſtill a ſufficient Encouragement) to Loyalty. Yet (alas!) how was it poſſible that any thing of this kind could wholly alleviate the Sorrows of thoſe unfortunate Shepherds, who were forced to leave their Flocks in the Hands, and under the Inſpection, of ſuch mean (*l*) Vicars-General, as *had no Place to flee unto?* Many of their Churches (*m*) were burn'd down; and the miſerable Incumbents of others were under a (*n*) Neceſſity of deſerting their Cures, flying for their Lives; and *ſeeking their Meat in deſolate Places.* In what a wretched Condition our *Engliſh* Borders were before the Union of the Crowns, (nor were the *Scotch* in any better) appears from that amazing (*o*) Liſt that we have of the many Hundreds that were continually employ'd in Night-Watches; the reſt of the Neighbourhood being oblig'd (at all hours) to riſe and follow the Fray: And the latter Part of this Border-Service reach'd as far as the County of (*p*) *Lancaſter*, tho' the chief of its Terrors were more confin'd. This was the State of our Caſe heretofore: And the following Papers

(*l*) *Reg.* J. de Halton, *Epiſc.* Carliol. *p.* 233. (*m*) *Ibid. p.* 46. & 69. & *Reg.* J. de Kirkby, *p.* 372. (*n*) *Ibid. p.* 358. (*o*) Appendix, *Num.* III. (*p*) *Vid.* Trin. Brev. Irretorn. 26 *Ed.* I. Rot. 91. b. *ex parte Remem. Theſaur.*

will

will give us a Prospect (a very woful one, God knows, it is) of what is like to behalf us hereafter, if the Almighty's Blessings on the Measures of Her Majesty and Her Great Council do not interpose; as we confidently hope they will. *(q) Then shall the Virgin rejoice in the Dance, both young men and old together: For GOD will turn their mourning into joy, and will comfort them, and make them rejoice from their sorrow.* Amen. Amen.

(q) Jer. xxxi. 13.

Leges

Leges Marchiarum,

OR, THE

BORDER-LAWS.

HENRICUS TERTIUS,

1249.

ANNO Gratiæ Milleſimo Ducenteſimo Quadrageſimo Nono, ad Feſtum Sanctorum *Tiburtii* & *Valeriani*, ad Leges Marchiarum condendas & obſervandas convenerunt ad Marchias Vicecom. *Northumbriæ* ex parte Dom. Regis *Angliæ*, & Vicecom. de *Bervico* & *Roxbrough* ex parte Dom. Regis *Scotiæ*, ad recognoſcendas leges & conſuetudines Marchiarum per duodecem Milites *Angliæ*, & duodecem Milites *Scotiæ* firmiter

 jurat.

jurat. Et hæc ſunt nomina Militum Regis *Angliæ*.

Robertus de *Clifford*
Robertus filius *Radulphi*
Robertus Malefante
Robertus de *Ulfeſter*
Willielmus de *Burnvile*
Willielmus de *Scremeſton*
Willielmus de *Herington*
Robertus de *Glendale*
Sampſon de *Coupland*
Willielmus de *Cookperte*
(a) *Henricus* filius *Godfridi*

} Milites *Angliæ*.

Adam de *Earth*
Radulphus de *Boukle*
Willielmus de *Northinton*
Robertus (b) *Bernham* Major de *Berwick*
Adam de *Norham*
Henricus filius *Walden*
Henricus de *Brade*
Richardus (c) *Holkerton*
Robertus de *Durham*
Aymerus de *Emſley*
Adam de *Newbigginn*

} Milites *Scotiæ*.

Statuta Prædictorum Viginti Quatuor Militum.

1. OMNES iſti Viginti quatuor dixerunt infimul, quod ſi aliquis Malefactor manens in *Scotia*, homo vel fæmina, ſive

(a) In an *Engliſh* (or *Scotch*) Tranſlation of thoſe Laws, in the Library of the Advocates at *Edinburgh*, this Perſon is call'd *Hendrie Jafreſon* of *Porſeweek*.
(b) *Warrand*. Ibid. (c) *Hagerſtoun*. Ibid.

Feu-

Feudatus ſive non, alicui homicidium, aut aliquod aliud malum intulerit (*a*) unde Duellum oriri debeat, ille Malefactor non Reſpondebit, niſi ad Marchias utriuſque Regni. Et ſi Defendens ſuper *Redam* ſit manens Reſpondebit apud *Ridingeburn*. Sed *Reedſdale* & *Cookdale* debent reſpondere apud *Campaſpeth*, ſecundum Leges & Conſuetudines inter duo Regna uſitatas.

2. ITEM, dixerunt, quod omnes homines inter *Totnais*, quæ eſt in *Anglia*, & *Cathneſs*, quæ eſt in *Scotia*, de jure ſecundum Conſuetudines dictorum Regnorum poſſunt vocari ad Marchias ad bellum faciendum, exceptis perſonis propriis Regum præfatorum Regnorum, & Epiſcoporum Sancti *Andreæ* & *Dunkelde*.

3. ITEM, dixerunt unanimiter, quod ſi aliquis Ligeus vel Natus de Regno *Scotiæ* fugam acceperit, cum Catellis ſuis, vel ſine Catellis, infra regnum *Angliæ*, volens de Domino ſuo ſic evadere, ſi proſecutus fuerit à Domino ſuo, vel ejus Balivo, infra quadraginta dies poſtquam ad Marchias tranſierit, reducetur ad *Scotiam* ſine ulla contradictione Regni *Angliæ* per juramentum proprium ; & e converſo, de *Anglia*. Si verò poſt quadraginta dies non fuerit proſecutus, nunquam hominem ſuum recuperabit ; niſi per breve Domini Regis in cujus regno extiterit. Et ſi poſt quadraginta dies, inveniatur in regno ex quo exiverit, niſi fuerit Nativus, per Dominum ſuum capiatur per juramentum ſex Virorum & ſe ſeptimo.

4. ITEM, Dixerunt quod ſi Nativus fuerit de proprio debito ſuo nominatus aliquis de *Anglia* & (è converſo) de *Scotia* manum ſuam per tres quindenas replegiabit per (*b*) *Inbrecht*

(*a*) *Duellum*, in theſe Laws, as in many others, ſignifies only *Debate* or *Conteſt*.

(*b*) i. e. *Fidejuſſores Natives & Extraneos*.

Wood & *Utbrocht Wood*, & perſolvent illum debitum infra Quindenam proxime ſequentem. Et ſi tunc non perſolverit debitor, capiet (*b*) Manum debitoris, atque illam teneat quouſque plane fuerit ſatisfactus de Debito ſuo. Si autem negat Debitum ſuum, purgabit ſe ad Marchias infra primam quindenam ſequentem cum ſeptima manu. Et ita intelligendum eſt de plegio, ſi debitor defuerit. Si vero concedat debitum ſuum, & nihil habet in bonis unde perſolvat, purgabit ſe propria manu quod non habet in bonis ultra valorem quinque Solidorum & quatuor Denariorum ; & propterea jurabit quod perſolvet dictum debitum, prout impetrare & lucrari poterit. Salvo victu ſuo tantummodo.

5. ITEM, Dixerunt, quod omnes calumniantes ex utraque parte jurabunt per ſe ; niſi tantummodo duo Reges & Hæredes eorum, atq; Epiſcopi Sancti *Andreæ*, & *Dunkeld.* pro Domino Rege *Angliæ* jurabit Vexillator ejus & Conſtabularius ſui exercitus. Eodem modo pro Rege *Scotiæ*, & pro domino Epiſcopo Sancti *Andreæ* jurabit Preſbyter de *Weddale*, & pro domino Epiſcopo de *Dunkeld.* jurabit prior (*a*) de *Inſula*.

6. ITEM, Dixerunt, quod nemo poteſt facere Attornatum pro ſe ad juramentum faciendum ad Marchias in querela in qua vita & membra dependent ; ſed per conſenſum utriuſque partis. Niſi ſolummodo duo Reges & Epiſcopi, ut prædictum eſt. Et ita pro uno ſolo defectu amittetur tota querela imperpetuum. Similiter & partis defendentis.

7. ITEM, Dixerunt, quod ſi aliqua querela ſit in Marchiis inter duo Regna, & hæc

(*b*) A *Pledge* or *Mortgage*.

(*a*) Cod. Edinb. *ane Prieſt of that ilk*. i. e. Presbyter dictæ Eccleſiæ.

inter

inter appellantem & reſpondentem de vita & membris; & forte defendens in fata deceſſerit infra quindenam, infra tempus ſtatutum, corpus ejus deportabitur ad Marchias, ad diem & locum infra partes ſtatutas; quia nullus poteſt eſſoniari per mortem. Et ſi appellans ſe ſuperſedendus ad idem tempus ſtatutum non comparuerit, debet tranſire ad Marchias, & debet accipere manum de *Wardſheill.* de tribus Barronibus, ad teſtificandum ſecundum quod ſufficienter comparuerit ad diem ſuum. Et hoc probato per eoſdem, de illo Clameo quietus erit imperpetuum. Et ſi forte aliquis de illis tribus defuerit de teſtimonio, poteſt habere Duellum. Eadem eſt ratio de appellante.

8. ITEM, Dixerunt, quod ſi aliquis latro de *Scotia*, furatus fuerit equum in *Anglia*, vel boves, vel vaccas, aut aliquid aliud, & inducat in *Scotiam*; ille cujus res eſt, in quocunque loco invenit rem ſuam furatam, recuperabit in Curia in cujus Feodo rem ſuam reperivit. Et illam recuperabit in Curia prædicta per Sacramentum ſex virorum, & ſe ſeptimo: Niſi forte ipſe in cujus manu res eſt detenta, dicat ſuum eſſe proprium; per quod Duellum oriri poteſt ad Marchias.

9. ITEM, Dixerunt, quod ſi aliquis calumniatus fuerit de vita & membris ad Marchias, ſi fuerit de Regno *Scotiæ*, vel de *Anglia*, ſuper Roberio, Latrocinio, & Homicidio; ſi defendens convictus fuerit per Duellum, Plegii non reſpondebunt ultra ſummam quam Appellator poſuit in ſua appellatione.

10. ITEM, Dixerunt, quod ſi aliquis Malefactor, exiſtens in una regione in altera parte regni, in quo intravit, habere voluerit pacem, quod ab illis a quibus pax dari poteſt pacem recipiat, ſcilicet a Vicecomite loci illius,

& ſi forte Vicecomes non inveniatur; licebit ſibi accipere pacem ad primam Eccleſiam, (pulſatis campanis) & ibi erit in pace quouſque habuerit pacem per Vicecomitem. Et ſi antequam pacem habuerit ſit attachiatus, ſine contradictione aliqua reducatur.

11. ITEM, Dixerunt, ſi quis dixerit de equa, bove, vacca, vel porco, vel quocunque alio animali in Regno *Angliæ*, vel *Scotiæ*, rem ſuam propriam eſſe habebit, dilationes omnes inter Regna ſtatutas, & ultimos dies itis. Si voluerit evadere ſine bello, & intellexerit quod res ſuum proprium non eſſent, die illo reducet ad Marchias, & mandabit parti adverſus quem bona quæſivit, equum illius eſſe; & fugabit illum in aqua de *Tweede*, vel de *Eske*. Et qui defendit erit quietus de illo clameo, ſive de illa calumnia. Si enim ſubmerſ. eſt antequam (*a*) fluvium aquæ tranſierit, ſecundum conſuetudinem Marchiarum de illo reſpondebit; ſimiliter de bove, vacca, & porco, vel cæteris rebus; exceptis quod de ſarcinis nulla eſt mentio.

12. ITEM, Dixerunt, quod nullus de Regno *Angliæ* poteſt probare aliquem reum de Regno *Scotiæ* per teſtes, (nec è converſo) niſi tantummodo per corpus hominis; & ita nulla bella poſſunt oriri in litibus motis & movendis inter Marchias.

13. ITEM, Sciendum eſt, quod ſi aliquis ſit in Regno *Scotiæ*, vel *Angliæ*, ſecundum Leges Marchiarum, (aut è converſo) qui poſtulat quod in altero Regno ſibi debetur ubi manet, ſi Clericus eſt qui tenetur ei in debitum, debet Clericos inde monere; ſi Miles, Milites; ſi Burgenſis, Burgenſes; & de illis & non aliis judicari.

(*a*) Cod. Edinb. *Before it paſs to the Mid-ſtream of the Water.*

Præ-

Præterea dixerunt, quod *Inburghe* & *Outburghe* poteſtatem habebunt ad diſtringendam utramque regionem, ut prædictæ conſuetudines inter duo regna inviolabiliter obſerventur.

HENRICUS SEXTUS.

1449.

1. HÆC INDENTURA FACTA inter nos *Robertum*, permiſſione divina Dunelmenſ. Epiſcopum, *Johannem Beamond* Conſtabularium regni *Angliæ*, *Thomam Stanley* Comptrollatorem Hoſpitii regii, Militem; *Richardum Andrew* Secretarium Regis, & Legum Doctorem; *Jacobum Strangwies* Militem, & *Robertum Dobbies* ſacrorum Canonum Doctorem, Excellentiſ. & Chriſtianiſſimi Principis *Henrici Sexti*, Dei gratia *Angliæ* & *Franciæ* Regis, & Domini *Hiberniæ*, Commiſſionarios ex una parte: Et venerabilem & religioſiſſimum virum *Andream* Abbatem de *Mello-Roſſa*, Confeſſorem Regis, & Theſaurarium Regni *Scotiæ*; *Andream* Dominum *Gray*, Baronem; *Johannem Methbine* Magiſtrum Rotulorum, & Regiſterii Regis Decretorum Doctorem; & *Thomam Grafton* Scutiferum & Præpoſitum Burgi de *Edinburgh*, illuſtriſſimi Principis *Jacobi*, Dei gratia, Regis *Scotorum* ſimiliter & Ambaſſad. ad infra ſcripta ſufficientur & legitime deputatos, parte ex altera.

2. TESTATUR, Quod nos *Robertus*, *Thomas*, *Johannes*, *Richardus*, *Jacobus*, & *Robertus*, Commiſſionarii prædicta Authoritate nobis in hac parte a dicto Chriſtianiſſimo Principe *Henrico*, per ſuas literas patentes, (quarum tenor inferius annotatur) conceſſas, fecimus, cæpimus, inivimus, concordavimus & conclu-

ſimus, per præſentes, pro dicto Excellentiſſimo & Chriſtianiſſimo Principe *Angliæ* & *Franciæ* Rege, ejuſque Regnis Dominis & Vaſſalibus, cum præfatis *Andrea*, *Johanne*, *Andrea*, & *Thoma*, illuſtriſſimi Principis *Scotorum* Regis prædictis Commiſſionariis, & Ambaſſadoribus; nos ad hoc ſpecialiter & cum inſtantia requirentibus. Ipſique *Andreas*, *Johannes*, *Andreas*, & *Thomas*, Authoritate eis in hac parte à dicto ſereniſſimo Principe *Scotorum* Rege per ſuas literas patentes (quarum tenor hic inferius annotatur) conceſſas una nobiſcum eaſdem fecerunt, inierunt, concordaverunt, & concluſerunt, pro dicto eorum rege, ejuſque regno, terris, dominiis, ſubditis & vaſſalibus ſuis, bonas, inviolabiles, firmas, & ſtabiles, Trugas, Guerrarumque abſtinen. generales, tam per terram quam per mare, & omnes aquas dulces, à die dat. præſentium quatenus ad terram pertinet: Et à Feſto Natalis Domini proxime jam futuro, quatenus ad mare pertinet, incepturas; & duraturas quamdiu placebit dicto Excellentiſſimo & Chriſtianiſſimo Principi *Angliæ* & *Franciæ* Regi pro ſua parte. Sic tamen, quod ſi aliquo caſu in poſterum dictus Excellentiſſimus & Illuſtriſſimus Princeps *Angliæ* & *Franciæ* Rex, noluerit dictas Trugas tenere aut diutius obſervare, ſed velit ab eiſdem pro ſua parte recedere, hoc bene ſibi licebit, præſentibus Trugis non Obſtantibus, dum tamen dictum Regem *Scotorum* per ſuas Literas Patentes ſuo magno ſigillo ſigillandum: ac eidem Regi *Scotorum*, ubicunque infra Regnum *Scotiæ* fuerit, deliberandum faciet de hujuſmodi voluntate recedendum à dictis Trugis certiorem.

3. SIMILI modo Rex *Scotorum*, ſi hiis hujuſmodi Trugis aliquando pro ſua parte recedere voluerit, præfatum Excellentiſſimum *Angliæ* & *Franciæ* Regem, per ſuas Literas patentes

tentes ſuo magno Sigillo ſigilland. Eidemque Metuendiſſimo *Angliæ* & *Franciæ* Regi ubicunque infra aliquod Regnorum, Ducatuum, ſeu Dominiorum ſuorum fuerit realiter Deliberand. etiam de ſua voluntate recedend. ab eiſdem Trugis reddet certiorem, hoc tamen ſemper obſervato, Quod in omni caſu diſſentionis hujuſmodi a prædictis, ſive per præfatum Excellentiſſimum Principem *Angliæ* & *Franciæ* Regem, ſive per prædictum Illuſtriſſimum Principem *Scotorum* Regem ejus conſanguineum, ut prædictum faciendum, tam metuendiſſimus Rex *Angliæ* quam Sereniſſimus Princeps *Scotorum* Rex maneat, ſit, & ſtet, vigore præſentium, firmiter adſtrictus ad eaſdem Trugas per Centum & Octoginta dies incluſas poſt diem liberationis & traditionis Literarum Patentium prædictarum, proximè ſequentium & plenarie completend. juxta omnem vim, formam, & effectum earundem efficaciter obſervandum. Eaſdemque faciet, & quilibet eorum per ſe & ſuos faciet, per eoſdem Centum & Octoginta dies efficaciter obſervandum.

4. ITEM, Appunctavimus, concordavimus, & concluſimus, cum dictis Ambaſſiatoribus, ipſique Ambaſſiatores una nobiſcum ſic appunctaverunt, concordaverunt & concluſerunt, quod, dictis Trugis durantibus, neque præfatus Excellentiſſimus & Chriſtianiſſimus Princeps *Angliæ* & *Franciæ* Rex, adverſus prædictum Illuſtriſſimum Principem *Scotorum* Regem ſuum conſanguineum, ejuſve Subditos vel Ligeos, Neque adverſus Chriſtianiſſimum & Excellentiſſimum Principem *Angliæ* & *Franciæ* Regem, ejus Ligeos aut Subditos, antefatus Sereniſſimus Princeps Rex *Scotorum* ſuus conſanguineus, movebit, aut manu tenebit per ſe, nec procurabit aut permittet fieri per aliquem, ſive aliquos

Subditorum ſeu Ligeorum ſuorum, aliquam Guerram ſeu aliquod genus Guerræ in aliquo Regno, Dominio, Terráve, citra vel ultra mare, aut in mare ſcituat. Neque per ipſum mare, aut aliquam aliam aquam, dulcem ſive ſalſam: Et generaliter non erit auxilio, favore Conſiliove, quod in aliquo loco aut modo hujuſmodi guerra fiat aut moveatur, fierive aut moveri aliqualiter procuret ſeu permittat, Trugis durantibus antedictis.

5. ITEM, Inter nos & prædictos Ambaſſiatores concluſum eſt & concordatum, quod, ſi durantibus Trugis ſeu Guerrarum abſtinentiis prædictis, contingat aliquos Subditos ſeu Ligeos dicti Excellentiſſimi Principis *Angliæ* & *Franciæ* Regis per mare, ex quacunque juſta, rationabili vel licita, cauſa navigantes, ſive mercatores fuerint, ſive peregrini, piſcatores, aut alii cujuſcunque generis homines, vi tempeſtatis aut ventorum, aut alia juſta, rationabili & neceſſaria, urgentique cauſa, ad hoc eos omnino impellente, cum ipſi hoc non affectârunt, & id tempore receſſus eorum a patria ſua non propoſuerunt, applicare in *aliquo* portu ſive alio quocunque loco Regni Scotiæ aut in aliquo loco juxta idem Regnum naufragium pati, dummodo aliqua perſona in nave ſic naufragium paſſa, ſuperſtes exiſtat, NON licebit Illuſtriſſimo Principi *Scotorum* Regi Conſanguineo ſuo, aut alicui vel aliquorum Subditorum ſeu Ligeorum ſuorum, per ſe vel alios, ipſos ſic appulſos ſeu naufragium paſſos, eorum naves, bona, merchand. ſive alias res quaſcunque in hujuſmodi navibus abduct. capere, rapere, vel ab eiſdem ſic appulſis, ſeu naufragium paſſis, vel paſſo, auferre quoviſmodo, vel etiam detinere, aut, ratione Debiti alicujus perſonæ, eaſdem res, bona vel marchandizas, integraliter vel in parte Arreſtare, vel Arreſtari

tari facere; SED licebit ipſis ſic appulſis, aut naufragium paſſis, cum navibus, marchandizis, bonis & rebus ſuis (cauſa hujuſmodi ceſſante) prout ſic appulſi, aut naufragium paſſi, eorum navis refect. tenebuntur, quam citius commode valeant, recedere abſque quibuſcunque impetitione, impedimento, moleſtatione, arreſto, ſive alia occaſione quacunque ipſis per prædictum Illuſtriſſimum Principem *Scotorum* Regem, aliquem ejus Subditum ſive Subditorum Objiciendum ſive etiam faciendum.

6. ET SIMILITER, Si contingat, eiſdem Trugis vel Guerrarum Abſtinentiis durantibus, aliquos Subditos ſive Ligeos dicti Illuſtriſſimi Principis *Scotorum* Regis ſimili modo navigantes, vi tempeſtatis ſeu ventorum, vel alia juſta, rationabili, vel neceſſaria urgentique cauſa, eos omnino ad hoc impellent. Cum ipſi hoc non affectaverunt, & id tempore receſſus a patria ſua non propoſuerunt, applicare in aliquo portu ſive alio quocunque loco dicto Domino Regi *Angliæ* & *Franciæ* ſubdito vel ſubjecto, vel in aliquo loco juxta portus vel loca prædicta naufragium pati; dummodo aliqua perſona in navi ſic naufragium paſſa ſuperſtes exiſtat, non licebit dicto Excellentiſſimo & Chriſtianiſſimo Principi *Angliæ* & *Franciæ* Regi, aut alicui vel aliquibus ſubditorum vel ligeorum ſuorum, eorum Naves, Bona, Marchandiſas, ſive res alias quaſcunque, in hujuſmodi navibus abductis capere, rapere, vel ab eiſdem ſic appulſis, aut naufragium paſſis, aut paſſa, auferre quovis modo, vel etiam detinere, aut ratione debiti alicujus perſonæ, eaſdem res, bona, vel marchandizas, integraliter arreſtare, vel arreſtari facere. Sed licebit ipſis ſic appulſis, aut naufragium paſſis, cum navibus, marchandizis, bonis, & aliis rebus ſuis, (cauſa hujuſmodi ceſſante) prout ſic

appulſi, aut naufragium paſſi, eorum navibus refect. tenebuntur, quatenus commodè valeant, recedere, abſque quibuſcunque impetitione, impedimento, moleſtatione, arreſtatione, ſive alia occaſione quacunque, ſibi vel illis, per dictum illuſtriſſimum Principem *Angliæ* & *Franciæ* Regem, ſive aliquem ſive aliquos ejus ſubditum ſive ſubditos, objiciend. vel etiam faciend.

7. ITEM, Concluſum & concordatum eſt inter nos præfatos utriuſque partis Commiſſionarios, quod aliquis vel aliqui ſubditorum vel ligeorum metuendiſſimi Regis *Angliæ* & *Franciæ*, ſic ut prædicitur, appulſus vel appulſi, aut naufragium paſſus vel paſſi, ſeu in Regnum *Scotiæ* veniens vel venientes, ſub ſalvo conductu, ante diem expirationis ſalvi conductûs, ſive adverſa valetudine, adeo vexatur & vexantur, quod ſic appulſus vel appulſi, aut ſub ſalvo conductu, veniens vel venientes, cum nave vel navibus, qua vel quibus applicuit, vel applicuerunt, vel ante diem ſalvi conductus ſic veniens vel venientes, cum nave vel navibus, nequeat vel nequeant commodè recedere & in proprias partes ſe recipere; tunc bene licebit ſic appulſo vel appulſis, naufragium paſſo vel paſſis, aut venienti vel venientibus, infirmo vel infirmis, cuicunque vel quibuſcunque, ſalvo & ſecuro in loco, quo ſic appulſus vel appulſi, Naufragium paſſus vel paſſi, applicuit vel applicuerunt, infirmar' contigit, expectare quouſque reconvaluerit vel reconvaluerint, & ex tunc cum literis teſtimonialibus Majoris & Ballivi, Conſtabularii aut alterius alicujus Officiarii Domini Regis in loco quo ſic eum vel eos infirmari contigerit, eidem vel eiſdem ſub moderat' expenc' concedend', & tradend' (cauſa infirmitatis hujuſmodi ceſſante) in partes proprias recedere, abſque impedimento vel obſtaculo quocunque, ſibi per aliquem

Traveling under Safe Conduct into Scotland.

aliquem Subditorum vel Ligeorum Domini Regis *Scotiæ* quoquo modo faciendum.

ITA tamen quod nihil interim præjudiciale contra Regem, Regnum, ſive Ligeos ejuſdem Regni, attemptet vel attemptent, procuret vel procurent.

Travelling under Safe Conduct into England.

9. QUAE OMNIA ſimili modo & forma fideliter, æqualiter & efficaciter, obſervabuntur ex parte metuendiſſimi Domini Regis *Angliæ* & *Franciæ*, & Subditorum & Ligeorum ſuorum, quo cunque in caſu quo aliquem Regis *Scotiæ* ſubditum, in aliquo loco Regis *Angliæ* Subdito & Subjecto ſic appulſum, Naufragium paſſum vel venientem, contigerit infirmari, juxta formam & modum inpræcedent. Articulo comprehenſum.

9. PRAETEREA inter nos commiſſionarios utriuſque partis prædictos appunctatum, concordatum & concluſum eſt, quod ſi contigati, eiſdem Trugis durantibus, aliquem non ſubditum, ſive aliquos non ſubditos dicti Illuſtriſſimi Principis *Scotorum* Regis, Navem vel Naves, Perſonam vel Perſonas, Res, Marchandizas, aut bona quæcunque, alicujus vel aliquorum Subditi vel Subditorum Excellentiſſimi Principis *Angliæ* & *Franciæ* Regis, capere, & eas vel ea in aliquem locum vel portum eidem Illuſtriſſimo *Scotorum* Regi ſubjecto adducere; non licebit Illuſtriſſimo *Scotorum* Regis, aut alicui Ligeo ſeu Subdito ſuo, eas vel ea vel aliquam partem earundem, emere, ſive quovis modo ad utilitatem ſuam receptam, abſque conceſſu ejus vel eorum ad quem vel ad quos bona, vel res hujuſmodi ante eorum captionem pertinebant. QUOD ſi per aliquem eorum quicquam in contrarium hujus ordinationis factum vel attempt' fuerit, tunc perſonæ, bona, Marchandiſæ, & res quæ-

No Goods taken by Sea or Shipwrack to be ſtayed without the conſent of the Owner.

cunque

cunque hujuſmodi ſic empt' ſive recept' illi vel illis, ad quem vel ad quos hujuſmodi vere pertinebant, dolo, fraude, malove ingenio integraliter ceſſantibus, reſtituantur, per ſic ementes vel reementes, eo modo quo reſtitui debent, ſi a ſubditis Dicti Illuſtriſſimi Principis *Scotorum* Regis captæ fuiſſent. Et non minus ſic attemptatus, tanquam violator harum Trugarum, graviter pro modo & qualitate criminis punietur. QUAE omnia & ſingula, modo & forma præmiſs. Excellentiſſimus & Chriſtianiſſimus Princeps *Angliæ* & *Franciæ* Rex obſervabit, & per ſuos Subditos & Ligeos ſimiliter, æqualiter & efficaciter, obſervari faciet in caſu quo aliqua perſona, naves, Marchandiz. res vel bona quæcunque, dict. Illuſtriſſimi Principis *Scotorum* Regis aut alicujus vel aliquorum ſubditi vel ſubditorum ſuorum capt. fuerint per aliquem vel aliquos ſubditum vel ſubditos Excellentiſſimi & Chriſtianiſſimi *Angliæ* & *Franciæ* Regis ſupradicti.

Puniſhment for the ſame Offence.

10. ITEM, Simili modo concordatum eſt, quod ſi, durantibus Trugis prædictis, contingat aliquam navem alterius partium prædictarum naufragium pati ſive rumpi, & aliquis perſonarum exiſtent in navi ſic naufragium paſſa & rupt. ſuperſtes remanſerit, ceſſante in ea parte dolo, fraude malove ingenio quibuſcunque, Marchandiz. res & bona quæcunque de dictâ nave provect. fuerint, ex eadem extract. vel in mare collect. vel ad terram venientia vel aliàs, quovis modo ſalva & ſalvat. per eos ad quorum manus res, Merchandiſæ & bona, hujuſmodi devenerint nullatenus diſſipentur, damnentur, alienentur, dividentur, nec quoviſmodo ſubtrahuntur aut concelentur: ſed integraliter, ſine diminutione quacunque illius Dom. ſive loci in quod vel in quem

Sea-wracks to be reſerved for the Owner, if lawfully claim'd.

quem dicta bona devenerint, ſeu ejus deputato, fideliter & ſine fraude deliberentur atque tradantur ad uſum vel utilitatem illius vel illorum ad quem vel ad quos (rei veritate inſpect.) pertinere noſcuntur, conſervand. cui vel quibus infra ſpatium unius anni, a tempore notitiæ naufragii & ruptus navis hujuſmodi computand. licebit pro recuperatione & reſtitutione rerum merchandiſarum & bonorum hujuſmodi proſequi coram Judice in hac parte competente, cui ſic proſequenti vel proſequentibus realiter & effectualiter tradi, liberari & reſtitui, debent. Solutis tamen & refuſis expenſis & ſumptibus rationabilibus factis circa collationem & obſervationem bonorum eorundem.

Where and when it ſhall be lawful to ſue for Goods loſt.

PROVISO ſemper, quod perſona vel perſonæ ſuperſtes vel ſuperſtites ex eadem navi ad terram venientes, ſtatim juxta effectum & tenorem præſentium Trugarum liberè demittentur.

11. ITEM, Simili modo concordatum eſt, quod ſi dictis Trugis durantibus, partis unius vel alterius aliqua navis, perſonis, rebus, Merchandiſis aut bonis, onuſta, ſive rapta, ſive pro victualibus de neceſſitate in mare ſubvenient. emendis applicuerunt. in aliquem Portum vel locum alium alicujus Portuum prædictarum, pro qua reficiend' navem ipſam, perſonas, res, merces & bona in eadem content. oporteat in terram deponi *Quod in hoc caſu* perſonæ, res, merces, & bona ipſa ſic depoſita abſque impedimento & ſine ſolutione Cuſtomii in eandem navem (cum refecta fuerit) vel in aliam reponantur & libere abducantur.

When, where, and what Cuſtoms are due.

PROVISO tamen quod pro mercibus, rebus, bonis & Merchandizis ibidem, pro emendis victualibus eis neceſſariis, pro numero

mero perſonarum vendit' Cuſtomium & cætera denaria in ea parte debita, fideliter perſolventur.

Conſervators bound to ſee Redreſs made.

12. ITEM, Simili modo concordatum eſt, quod ſi quis de una parte partium prædictarum, dictis Trugis durantibus, capiat aliquod fortalicium ſuper aliam partem, ipſe ſuper & adverſus quem hujuſmodi fortalicium capt. fuerit, poterit illud recuperare per vim facti, vel aliter prout melius poterit, & etiam poterint puniri malefactores in ea parte ſecundum exigentiam cauſæ. ET tenebuntur conſervatores partis illius cujus ſubditus fortalicium hujuſmodi cepit ſuccurrere & adjuvare ipſum adverſus quem hujuſmodi fortalicium captum fuerit, ad ipſum recuperandum quam citius & commode & quam diligenter ſumptibus illius partis Offendentis; vel, ſi magis placuerit ipſe ſupra quem hujuſmodi fortalicium captum fuerit, requirere poterit & ſignificar' Regem & Conſervatores alterius partis ſeu eorum deputatos, quod ſibi facient reſtitui dictum ſuum fortalicium: quod ipſi pro poſſe facere & implere tenebuntur; abſque dolo, fraude malove ingenio.

Fugitives flying into the oppoſite Realm.

13. ITEM, Simili modo concordatum eſt, quod ſi, durantibus Trugis, aliquis vel aliqui ex vaſſallis, Ligeis, vel Subditis unius partium prædictarum deliquerit ſeu deliquerint in territorio alterius partis, liceat parti in cujus territorio ſic deliquerit vel deliquerint ipſos & ipſum capere & punire ſecundum leges patriæ in qua ſic deliquerit vel deliquerint ſecundum exigentiam delicti per ipſum vel ipſos commiſſi vel perpetrati, SI VERO ſic delinquents vel delinquentes, captus vel capti, non fuerit vel fuerint ut prædicitur, ſed ſe extraxerit vel extraxerint in Dominium ipſius Regis cujus ſubditus fuerit vel fuerint,

Conſer-

Conſervatores illius partis requiſit. tenebuntur liberare perſonaliter, perſonas hujuſmodi malefactorum puniend. ut præfatur (conſervatoribus alterius partis hoc requirentibus vel eorum deputat') in Marchiam ubi ſic deliquerit vel deliquerint. Si vero idem Malefactor ſe occultavit, latitavit ſeu effugit, ita ut capi non poterit, Rex cujus ſubditus vel ſubditi exiſtit vel exiſtunt, debet eos mox perpetuo tuba bannire ab omnibus locis ſuo Dominio ſubjectis, quo ex tunc nullo unquam tempore reſtituet vel permittet ingredi, vel inhabitare loca ut præfertur ſui Dominii; niſi malefactores prius fecerint Juſticiam, & plene ſatisfecerint alteri parti, contra quam attemptaverunt, de Attemptatis hujuſmodi ſive delictis per ipſos ut præfertur perpetratis. ET LICET aliquis Cleritus ſive Acquetus malefacti ſui Bannitus fuerit, ſive abſque Bannitione ſic ut præfertur captus extiterit, non minus tenebuntur Conſervatores partis illius cujus Malefactor idem ſubditus extiterit reparare attemptata de bonis hujuſmodi malefactoris, quatenus ſufficere poterint. SI vero ibidem Malefactor ſic captus, ſive deprehenſus non habeat in bonis unde ſatisfacere poteſt, in hoc caſu gravius punietur & luet in corpore; & inſuper qui Malefactorem hujuſmodi ſcienter receptavit aut conſilium ei dederit ſive favorem, ad eandem in omnibus ſatisfactionem & pœnam tenebitur, ad quam faciendum & ſubeundum teneretur hujuſmodi malefactor, ſi poſſit apprehendi.

Baniſhment by the Sound of a Trumpet.

The Party grieved to be ſatisfied with the Goods of the Offender.

Puniſhment due for receipt of Offenders.

14. ITEM, Simili modo concordatum eſt, quod ſi, eiſdem Trugis durantibus, aliquid contra eaſdem vel aliquam partem earundem fieri vel attemptari contigerit, per hoc tamen præſentes Trugæ non erunt, cenſebuntur, aut reputabuntur, ruptæ aut infirma-

Breaches of Truce. firmatæ; ſed non minus in ſuo robore permanebunt & vigore, nec guerr. (niſi obſervat. forma in primo articulo ſuperius inter Principes declarat.) pro eo fieri debent pro una aut altera parte, nec priſas priſonarum, nec diſtrictiones aut captiones Bonorum, nec obſidiones Villarum, aut caſtrorum ſive fortaliciorum, nec homicid. vel quæcunque in contrarium præmiſſorum à quocunque attemptantur ſive commituntur. Sed reparabuntur & reſtituentur in ſtatum priſtinum, & debitum maleficia attemptata & hujuſmodi quæcunque per Conſervatores & Commiſſionarios illius partis cujus ſubditi attemptaverunt, offenderunt, ſeu malefecerunt.

Puniſhment due for the Breach of Truce. QUI VERO conſecerit vim monend. guerr. præterquam in forma recitata, ſive obſidend. mandando aut recapiendo villas aut fortalicia, aut faciend. homicidium ſive Murdra ipſe aliquod attemptat ex parte altera, aut per authoritatem aut decretum faciend. conſervand. priſas priſonarum, diſtrictiones ſeu captiones Bonorum, ipſe cadat in caſu ſuo & non minus punietur juxta delicti ſui exigentiam; & reſtituet & reparabit alteri parti omnem rem quam cepit ab eadem.

Fugitives flying for Offences, muſt anſwer before the oppoſite Warden, being required. 15. ITEM, Concordatum eſt, quod ſi, Trugis durantibus, aliquis ſubditorum unius partis vel alterius, ſubtrahat vel quaſi delinquat infra Regnum, Terram vel Dominium, illius partis cujus ſubtrahens vel delinquens eſt ſubditus, ex timore & cauſa vitand. juſtitiam, & effugit in locum quemcunque ſubditum ſive ſubjectum alteri ex eiſdem partibus, cujus ſubditus extiterit, & illic devenerit homo ligeus illius partis, non minus appellabitur ad reſpondend. ſatisfaciend. ac ſubeundum juſtitiam

tiam de debito ſive delicto ſuo hujuſmodi coram conſervatoribus Trugarum utriuſque partis ſive eorum deputatis, æquè ut ſatisfacturus fuiſſet ſi permanſiſſet ſub fide & ligeantia ipſius partis cujus Terram & Dominium effugit.

Delivery of Outlaws by the Warden oppoſite.

SI VERO in ſola fuga perſtiterit, nec devenerit homo ligeus illius partis in cujus terram effugit, eo caſu requiretur, remittetur, ac reſtituetur illi parti cujus ligeus ac ſubditus fuerit; pro Juſticia de eo fiend. prout ſibi videtur.

Aſſurance and ſafe Conduct.

SI VERO aliquis ſubditorum prædictorum unius partium prædictarum ſe ſubtrahat in Regnum ſeu Dominium alterius tanquam fugitivus, proditor & rebellis, & ibidem reperiat. ſub Aſſurantia & ſalvo conductu, pars illa (ſive Gardian. ſive deputatus ejuſdem) in cujus Regno ſeu Dominio idem fugitivus ſeu malefactor receptatur & aſſecuratur, requiſitus ſuper honorem per aliam partem (Gardianus ſeu deputatus ejus) tenebitur infra quadraginta dies requiſitionem ſequentes, omnem aſſecurantiam & ſalvum conductum hujuſmodi fugitivo conceſſas adnullare, & ipſum, ut ſuperius eſt expreſſum, remittere & deſtinare: Et quanquam talis proditor aut rebellis offerat ei ad quem talis ſubtrafugit juramenta ligeantiæ ſeu fidelitatis, in hoc caſu non recipiatur ad ligeantiam ſeu juramentum, quouſque quadraginta dies lapſi fuerint poſt hujuſmodi Captionem jurat. & ligeant. taliter fact.

No ſuſpected Perſons to bear Office, or paſs in Aſſize.

16. ITEM, Simili modo concordatum eſt, quod durantibus præſentibus Trugis, non admittentur nec recipiantur ad officia vel ſuper Aſſizam, nec ad perhibendum teſtimonium perſonæ infamæ, rebelles, fugitivi, proditores, unius partis vel alterius, vel convict.

vict. per Aſſizam; Sed boni, fideles & juſti, fide digni, & non ſuſpectæ perſonæ.

No hunting in the oppoſite Realm without Licence.

17. ITEM, Simili modo concordatum eſt, quod, durantibus Trugis hujuſmodi, nullus unius partis vel alterius ingrediatur Terras, Boſchas, Forreſtas, Warrenas, Loca, Dominia quæcunque alicujus partis alterius Subditi, cauſa Venandi, Piſcandi, Aucupandi, Diſportum aut Solacium in eiſdem, aliave quacunque de cauſa abſque licentia ejus vel eorum ad quem vel ad quos loca vel terra ipſa pertinet vel pertinent, aut de deputatis ſuis prius capt. & obtent.

Cattle depaſturing in the oppoſite Realm.

ET SI Contingat beſtias vel animalia alicujus ſubditi alterius partis partium prædictarum ſundum, agrum ſolumve, ſubditi alterius partis ingredi, & gramen aut herbam ibidem creſcentem depaſcere, aliove modo illi cujus eſt ſolum injuriam ſive damnum inferre. Quod ob hoc inter partes hujuſmodi damnum ſive injuriam fact. ſibi propria authoritate ſua non ulciſcatur; ſed illud malefactum, ſecundum legem & conſuetudinem obſervatam in partibus ubi damnum & injuria talis facta fuit, effectualiter emendabitur, ut eſt juſtum.

Theft committed in the oppoſite Realm.

18. ITEM, Ut Trugæ ſupradictæ eo firmius & melius obſerventur, quo cuilibet ex ſubditis partium prædictarum conquerenti liberior pateat facultas juſticiam proſequend. ordinatum & concluſum eſt, Quod ſi quis ex ſubditis partium prædictarum quicquam deprædatus fuerit ſeu attemptaverit infra Marchias aut terram alterius partis, Et poſt hujuſmodi depredationem ſeu attemptat. fugiend. revertatur ad Marchias, aut terram illius partis cujus eſt ſubditus, Licebit illi, contra quem ſic attemptavit, in præſenti, ſeu infra ſex dies, computandos à tempore delicti, ſic attemp-

attemptati ſive commiſſi, authoritate præſentis Ordinationis, abſq; aliis Literis de ſalvo Conductu, proſequi illum malefactorem; & ipſum ſic proſequend. intrare ſalvò & ſecurè Marchias, ſive terram in quam idem malefactor ſe retraxerit; vel ſi ſibi melius videbitur, poterit infra prædictos ſex dies adire unum ex Gardianis alterius partis, vel ejus deputatis, pro ſua juſtitia proſequend.

19. ET INSUPER conſimili modo appunctatum, concordatum, & concluſum eſt, Quod ſemper & continuè, eiſdem Trugis durantibus, fient & erunt duæ Literæ Patentes ſalvi Conductus, in bona & ſufficiente forma conceptæ; Una, viz. ex parte dicti Excellentiſſimi Principis *Angliæ* & *Franciæ* Regis, magno ſuo Sigillo ſigillat. continuè manens in aliquo loco ad hoc congruo infra Marchias Regni *Scotiæ*; quem Sereniſſimus Princeps Rex *Scotorum* eligerit, virtute cujus valeant quan.locunque (eiſdem Trugis durantibus) ſubditi Regis *Scotorum*, quicunque contra eaſdem gravat. libere ingredi Regnum *Angliæ*, & proſequi cauſam ſuam, ubicunque, & quocunque judice competente infra idem Regnum.

Et alia ex parte dicti Sereniſſimi *Scotiæ* Regis, ejuſdem magno Sigillo ſigillata, manens continuè in aliquo loco congruo infra Marchias *Angliæ*; quem Excellentiſſimus Princeps *Angliæ* & *Franciæ* Rex eligerit: Virtute cujus valeant quicunque (dictis Trugis durantibus) ſubditi ejuſdem *Angliæ* & *Franciæ* Regis, libere ingredi Regnum *Scotiæ*, & infra idem Regnum proſequi cauſam ſuam, ubicunque, & coram quocunque judice competente infra idem Regnum *Scotiæ*.

PRO-

PROVISO ſemper, quod virtute alicujus Literarum ſalvi conductus hujuſmodi, non plures quam tres aut quatuor Perſonæ hujuſmodi cauſas proſequi volentes, ex una vel altera parte, Regnum alterius ſimul & una vice ingredi valeant quovis modo.

20. ITEM, Quia tam Excellentiſſimus & Chriſtianiſſimus Princeps *Angliæ* & *Franciæ* Rex, quam Sereniſſimus Rex *Scotorum*, ejus Conſanguineus, bene conſiderant & perpendunt, quod ſemper dicta omnia bene conſerventur, efficaciter & votive juxta eorum deſideria, per magnam & debitam diligentiam Officiariorum, in puniend. tranſgreſſiones quaſlibet pro qualitate delictorum, infra contingere poterit, propter inſolentiam & ineffrænatam multitudinem, delinquentium prædictas Trugas multipliciter VIOLARI; quod abſit.

Idcirca, concordatum, appunctuatum, & concluſum eſt, Quod quandocunq; aliquis Regnorum prædictorum ſenſerit ſe aut ſuos, contra formam prædictarum Trugarum, aggravatum vel aggravatos, in defectu executionis juſtitiæ ab altera parte non factæ; Princeps, ſe vel ſuos ſentiens læſum vel læſos, per unum Haraldum, aut alium Nuncium, informabit alterum Regem, quod per Officiarios ſuos nullum aut non debitum poterit de ſuis conquerentibus habere juſtitiæ complementum. In quo caſu, Rex ſic informatus, & quum talis Conqueſtus factus ſit, quod cito commode poterit, bis (vel, ad minus, ſemel) in anno mittet tres aut duos de ſuo Concilio, juſtitiæ & pacis amatores, ad aliquem locum congruum prope Marchias, obviaturos totidem conſimiles oneratos, non tantum ad puniend. delinquentes ſuper quibus conque-

ritur,

ritur, juxta qualitatem delicti; verumetiam ad puniend. examinand. & inveſtigand. Si Conſervatores dictarum Trugarum, Gardiani, (eorum loca tenent. aut deputat.) negligentes fuerint aut remiſſi in executione juſticiæ partibus conquerentibus, quos etiam punire, corrigere, & emendare habeant, ſi, per talem inquiſitionem, examinationem, & inveſtigationem, culpabiles inventi fuerint, aut remiſſi.

21. PRAETEREA, Ut ea omnia fortius, & præſentes Trugæ firmius, obſerventur, quo bonis proviſionibus fuerint roboratæ, Simili modo ordinatum & concluſum eſt, quod omnes & ſinguli Gardiani Marchiarum, unius partis vel alterius, præſentes & futuri, ac omnes Viri notabiles per dictas Marchias, à Villa *Novi Caſtri* ſuper *Tinam*, & *Perith* in *Anglia* verſus *Scotiam*, ex una parte; & á Villis de *Edinburgh* & *Dumfries* in *Scotia*, verſus Angliam, inhabitantes ex parte altera, ad Sacroſanctum Dei Evangelium coram eis poſitum, & corporaliter tactum jurabunt, per eoſdem & eorum quemlibet; quod præſentes Trugæ, in omnibus & ſingulis Capitulis earundem, bona fide, abſque dolo, fraude, malove ingenio quibuſcunque, obſervabunt, & per alios (quantum in iis eſt) obſervari facient. Et quod nullo unquam tempore durationis earundem Trugarum, per ſe vel alios, clam vel aperte, directe vel indirecte, in aliqua parte ſua violabunt, nec violari facient aut permittent, quatenus poterint quoviſmodo.

QUOD quidem Juramentum, omnium & ſingulorum prædictorum, fieri debet publice & ſolemniter, circa triginta dies proxime ſequentes poſt datum Præſentium continu.

numerandos. Gardianorum vero Marchiarum *Angliæ* in manibus excellentiſſimi Principis *Angliæ* & *Franciæ* Regis, ſive Commiſſionariorum ſuorum ad hoc ſpecialiter deputandorum; & Gardianorum Marchiarum *Scotiæ*, in manibus Illuſtriſſimi Principis *Scotorum* Regis, aut Commiſſionariorum ſuorum, ad hoc ſpecialiter deputandorum; Notabilium vero virorum, utriuſque partis prædict. in manibus Gardianorum utriuſque partis prædict.

Nomina autem eorum qui ſic juraverunt, infra menſem poſt præſtationem ejuſdem Juramenti, certificabunt alterutris attentive Gardiani Marchiarum prædictarum; ut apud ipſos ſingula nomina Juratorum habere valeant de Recordo.

22. ITEM, Simili modo concordatum & concluſum eſt, Quod Principes publicari & notificari facient dictas Trugas Subditis ſuis infra triginta dies poſt datum Præſentium ſimiliter numerand. Conſervatores vero Trugarum pro Excellentiſſimo & Chriſtianiſſimo Principe, *Angliæ* & *Franciæ* Rege, ejuſque Regnis, Terris, Dominiis, Locis, & Perſonis quibuſcunque ei Subjectis, tam per Terram, quam per Mare, erunt:

Humfridus Dux *Buckingham.*
Johannes Dux *Norfolk.*
Willielmus Dux *Suffolk.*
Richardus Comes *Sarum.*
Henricus Comes *Northumbr.*
Johannes Comes *Oxen.*
Johannes Vicecomes de *Beamont.*
Radulphus Dominus de *Grayſtock.*
Thomas Dominus *Fitzhue.*
Thomas Dominus *Dakers.*

Thomas Nevill.
Thomas Stanley.
Jacobus Strangwize.
Henricus Fenwick.
Robertus Ogle.
Thomas Errington.
Thomas Lumley.
Richardus Muſgrave.
Thomas de *Stappleton.*
Thomas de *Moore.*
Johannes Hearon.
Robertus Manners.
} *Milites.*

Et omnes Admiralli Maris, Cuſtodeſq; Marchiarum *Angliæ* verſus *Scotiam.*

PRO Illuſtriſſimo Principe *Scotorum* Rege, erunt,

Willielmus de *Duglaſs.*
Georgius de *Angus.*
Johannes de *Roſſe.*
Archibaldus de *Morray.*
Alexander de *Crawford.*
} Comites.
Willielmus Dominus *Creighton.*
Willielmus Dominus de *Sancto Claro.*
Willielmus Dominus *Somervill.*
Herbertus Dominus *Maxwell.*
Alexander Dominus *Mountgomery.*
Andreas Dominus *Gray.*
Petrus Hepbourne de *Hazell.*
Jacobus Barron de *Creighton.*
Alexander de Vicecomes de *Angus.*
Andreas Vicecomes de *Fyffe.*
Simon de *Glendonen.*
Archibaldus de *Dowglaſs.*
Willielmus de *Craiſton.*
Walterus Scott.

Robertus Cleigton.
Alexander Hume.
David Hume.
Alexander Rampley.
Jacobus Rutherfoord.
Nicholaus Rutherfoord.
Thomas Cranſten.
Willielmus de *Carlille.*
Willielmus de *Douglas.*
Adam Johnſtone.
Willielmus Leywether.

Et omnes Admiralli Maris, & Cuſtodes Marchiarum *Scotiæ* verſus *Angliam.*

QUI quidem omnes & ſinguli nominati, ex utraque parte, hinc inde habebunt plenam Poteſtatem, ſoli & in ſolidum, ac Gardiani & Admiralli ſolum in locis Cuſtodiæ ſuæ, & Admiralitatum ſuarum; ad reparand. & reformand. & ulterius reparari, & reformari, & emendari faciend. omnia Damna & Attempt. Exceſſa, facta & perpetrata, faciend. & perpetrand. contra Tenorem dictarum Trugarum; & ad puniend. Malefactores omnes & ſingulos, ſecundum caſum & exigentiam delictorum ſuorum.

Edwardus Quartus. 1464.

HAEC INDENTURA facta inter nos *Andream* Dei gratiâ Epiſcopum *Glaſguenſem*, *Colinum* Comitem *Argile*, & Dominum *Campbell*, *Archibaldum* permiſſione divina Abbatem ſanctæ crucis de *Edinburghe*, Magiſtrum *Jacobum Lindſey* præpoſitum Eccleſiæ

cleſiæ collegiatæ de *Lincloden*, & *Alexandrum Boyd* de *Drumcoll.* militem, Excellentiſſimi & Illuſtriſſimi principis *Jacobi* Dei gratia Scotorum Regis Commiſſiarios, ex una parte.

Et Reverendum in Chriſto patrem, *Georgium Exonienſem* Epiſcopum, Cancellarium *Angliæ*, Nobiles & præpotentes Dominos *Richardum* Comitem *Warwicke* & *Sarum*, magnum Camerarium *Angliæ* & Gardianum Marchiarum occident. *Angliæ* verſus *Scotiam*, *Radulphum* Dominum de *Grayſtocke*, *Willielmum* de *Haſtings* Regis Camerarium, Magiſtrum *Thomam Kente* utriuſque juris Doctorem, *Jacobum Strangwaies* & *Robertum Conſtable* milites, Commiſſionarios Excellentiſſimi & Chriſtianiſſimi Principis *Edwardi* eadem gratia Regis *Angliæ* & *Franciæ* & Domini *Hiberniæ*, ex altera parte.

TESTATUR, Quod Commiſſionarii prædicti, in Civitate *Eboraco* mutuo convenientes, poſt oſtentationem Commiſſionum noſtrarum, quarum tenores inferius ponuntur, diverſis communicationibus & deliberationibus habitis, tandem, Authoritate & virtute Commiſſionum noſtrarum, in nomine Principum prædictorum, appunctatum, concordatum & concluſum, exiſtit, in materiis nobis conceſſis, ut ſequitur:

1. IMPRIMIS, Cum ſic pacis author animos dictorum Principum nuper commovit, ut ipſi a Guerrarum rabie ſe diverterent abſtinerentque, ac illa quæ pacis ſunt vel ejus media amplecterentur, effecitque quod decimo die Decembris ultimo elapſo, Guerrarum abſtinentiæ per Terram Mareque, & Aquas dulces fuerint duraturæ uſque ad ultimum diem Octobris proximum futurum, certis modis,

& forma, ut in literis inde confectis manifeſtius continetur, ne lapſis ipſarum Guerrarum abſtinentiis tempeſtati locus relinquatur, ferrumque in vulnera vertatur, Hinc inde concordatum, appunctatum & concluſum eſt, quod dicti Principes inter ſe guerrarum abſtinentias habeant longiores.

ET propterea nos Commiſſionarii, virtute qua ſupra, inter ipſos Principes dictas guerrarum abſtinentias, tam per mare quam per terram, & omnes aquas dulces, fecimus, cepimus, concordavimus & concluſimus per præſentes, pro ipſis Principibus & eorum ſucceſſoribus, Regnis, terris dominiis poſſeſſionibus infra eadem, & ſubditis ligeis, incepturas dicto ultimo die *Octobris*, ortu Solis, & duraturas pro quindecem Annis ex tunc proxime ſequentibus, viz. ad occaſum Solis ultimi diei *Octobris* qui erit in Anno Domini Milleſimo Quadringenteſimo ſeptuageſimo Nono.

2. ITEM, Concluſum eſt quod, durantibus eiſdem guerrarum abſtinentiis, nullus dictorum Principium moveat per ſe, neque per ſubditos ſuos moveri permittet, Guerram per terram, mare, neque per aquas dulces, contra alium, ſubditos vel ligeos ſuos, ſeu moveri permittet, nec erit concilio, auxilio ſeu favore, ut hujuſmodi Guerr. moveatur vel excitetur; nec dictus excellen. vel Illuſtrimus Princeps *Jacobus Scotorum* Rex dabit, præſtabit, nec per ſuos ſubditos dari permittet, auxilium, adhærentiam ſive favorem, *Henrico* nuper ſe dicenti Regem *Angliæ*, *Margaretæ* ejus uxori, aut *Edwardo* filio ſuo, neque aliis proditoribus aut rebellibus dicti Excellentiſſimi Principis *Edwardi* Regis, vel eorum adhærentibus, neque dabit iiſdem *Henrico*, *Margaretæ*, aut *Edwardo*, rebellibus

bus prædictis, neque alicui eorum nomine, ſalvum conductum poſt datum præſentium; neque quenquam ipſorum in Regno *Scotiæ* intrare, aut ibi, poſt ſalvi conductus expirationem nunc habiti, manere permittet; nec dictus excellen. & Chriſtianiſſimus *Edwardus* dabit præſtabit, neque per ſuos ſubditos dari permittet auxilium, adhærentiam vel favorem, prodioribus vel rebellibus dicti excellentiſſimi vel illuſtriſſimi Principis *Jacobi Scotorum* Regis, vel eorum adhærentibus; neque eiſdem rebellibus, aut alicui eorum, ſalvum conductum poſt datum præſentium; neque quenquam eorum in poſterum in Regno *Angliæ* aut ibi poſt ſalvi conductus expirationem nunc habiti, manere permittet.

3. ITEM, Concluſum eſt, quod in omni ſalvo conductu, per aliquem dictorum Principum in poſterum concendend. Subditis alterius Principis, vel alicui eorum, debet inſeri Clauſula: PROVISO ſemper, quod petens aut obtinens hujuſmodi ſalvum conductum non ſit proditor neque rebellis Principis ſui.

ET INSUPER, Quod in omni ſalvo conductu, per aliquem dictorum Principum in poſterum concedendo, non plures quam tres in uno ſalvo conductu admittentur.

4. ITEM, Concluſum eſt, Quod, ſi, durantibus iiſdem Guerrarum abſtinentiis, contingat quod vi tempeſtatis, aut alia impellente neceſſaria cauſa, navigantes naufragium paſſi fuerint de una parte vel altera dummodo aliqua perſona humana ſuperſtes fuerit, Bona & Navis non intelligentur a proprietariis auferendis, ſed illis reſervabuntur qui Domini ac proprietarii ante fuerunt.

5. ITEM, Concluſum eſt, Quod, ſi durantibus prædictis Guerrarum abſtinentiis, contingat aliquos ſubditos ſive ligeos, alterius ſive

utriuſque partis Principum prædictorum, per mare, ex quacunque juſta rationabili vel licita cauſa, navigantes, ſive mercatores ſint ſive peregrini, piſcatores aut alii cujuſcunque conditionis homines, ſi tempeſtatis ſive alia rationabili urgentique de cauſa ad hæc omnino impellen. (cum ipſi hoc non affectaverunt, neque id tempore receſſus eorum a patria ſua propoſuerunt) applicare in aliquo portu ſive loco quocunque regni alterius Principis, aut naufragium pati, dummodo aliqua perſona humana in navi ſic naufragium paſſa ſuperſtes exiſtat; NON licebit alteri Principi, ſive alicui ſubditorum, vel aliquibus Ligeorum, ſive vaſſalorum eorum, per ſe vel alios, ipſos ſic appulſos ſeu naufragium paſſos, earum Naves, Bona, Merchandizas, ſive res alias quaſcunque, in hujuſmodi navi abductas, capere rapere, vel ab iiſdem ſic appulſis, ſeu naufragium paſſis, auferre quovis modo vel detinere, aut (ratione debiti alicujus perſonæ) eaſdem res, bona, vel merchandizas, arreſtare, vel arreſtari facere: Sed licebit ipſis ſic appulſis, aut naufragium paſſis, cum Navibus, Bonis, Merchandizis, & rebus ſuis, (cauſa hujuſmodi ceſſante) prout ſic appulſi, aut naufragium paſſi, cum Navibus, Bonis, Merchandizis, eorum navi refecta, tenebuntur, quam citius commode valeant recedere, abſque quibuſcunque impetitione, impedimento, arreſtatione, ſive alia occaſione quacunque ſibi per alterum Principem, vel aliquem vel aliquos ejuſdem ſubditum vel ſubditos, objiciend. ſive etiam faciend.

6. ITEM, Concluſum eſt, Quod, ſi quis ſive aliqui ſubditorum ſeu ligeorum alterius principis, ſic (ut permittitur) appulſus vel appulſi, ſeu in Regnum alterius veniens vel venientes, ſub ſalvo conductu, ante diem expira-

tionis ſalvi conductûs ſui, adverſum ſua valetudine adeo vexatur vel vexantur, quod ſic appulſus vel appulſi, aut naufragium paſſus vel paſſi, aut ſub ſalvo conductu veniens vel venientes, cum navi vel navibus, qua vel quibus applicuit vel applicuerunt, vel ante diem expirationis ſalvi conductus ſic veniens vel venientes, nequeat vel nequeant commode ſe recedere vel in proprias partes ſe recipere. *Letters of ſafe Conduct.*

TUNC bene licebit ſic appulſo vel appulſis, naufragium paſſo vel paſſis, aut venienti vel venientibus, infirmo vel infirmis, cuicunque vel quibuſcunque ſalvo & ſecure in loco quo ſic appulſus vel appulſi naufragium paſſus vel paſſi, applicuit vel applicuerunt, infirmari contigerit, expectare quouſque reconvaluerit vel convaluerint.

ET tunc, cum literis teſtimonialibus Majoris, Balivi, Conſtabularii, aut alicujus alterius Officiarii Regis, in loco quo ſic eum vel eos infirmari contigerit, eidem vel eiſdem ſub moderat. expenſ. concedend. & tradend. cauſa hujuſmodi infirmitatis ceſſante, in proprias partes recedere licebit. Idemque infirmus ſeu infirmi hujuſmodi ſic recedere debebit, ſeu debebunt, abſque impedimento ſeu obſtaculo quocunque ſibi per aliquem ſubditorum vel ligeorum utriuſque Regis quomodo libet faciend. Ita tamen quod interim nihil præjudiciale contra alterum Principem, Regnum ſeu ligeos ejuſdem attemptet vel attemptent, fierive procuret vel procurent. *Letters of Teſtimonial.*

7. ITEM, Concluſum eſt, Quòd, eiſdem Guerrarum abſtinentiis durantibus, Si contingat aliquem non ſubditum vel ſubditos utriuſque Principis, navem vel naves, perſonam vel perſonas, Merchandiſas, aut bona quæcunque alicujus vel aliquorum ſubditi vel ſubditorum alterius

rius Principis, capere, & eas vel ea in aliquem locum vel portum alteri Regi ſubjectum adducere, non licebit ipſi Regi vel alicui ſubdito ſive ligeo ſuo eas vel ea, ſeu aliquam partem earundem, tenere vel quoviſmodo ad utilitatem ſuam receptare, abſque conceſſu eorum, vel ejus, ad quem, vel ad quos, bona ſeu res hujuſmodi, ante eorum captionem, vere pertinebant, aut eorum factorum. ET ſi mercator vel propriator bonorum, vel ejus factor, non fuerit præſens, tunc ſufficiet licentia Ductoris ſive Gubernatoris navis ante captionem, & aliarum perſonarum in eadem navi exiſtentium; quod ſi per aliquem eorum quicquid in contrarium hujuſmodi ordinatum, factum ſive attemptatum fuerit, tunc perſonæ, res, Merchandiſæ & bona quæcunque ſic empta ſive recepta, illi vel illis ad quem vel ad quos bona hujuſmodi verè pertinebant, fraude malove ingenio ceſſantibus quibuſcunque, integraliter reſtituentur per ſic ementes ſive recipientes; eo modo quo reſtitui debent ſi a ſubditis illius Regis capta fuiſſent, in cujus regno res hujuſmodi emptæ erant; & nihilominus ſic attemptans, tanquam violator harum Trugarum, graviter pro modo & qualitate criminis punietur.

8. ITEM, Concluſum eſt, Quòd ſi, durantibus Guerrarum abſtinentiis, contingat aliquam navem alterius partium prædictarum naufragium pati, aut rumpi & perſonæ exiſtentes in navi ſic naufragium paſſa vel rupta ſuperſtites exiſtant (ceſſantibus in ea parte dolo, fraude, malove ingenio quibuſcunque) Merchandiſæ, bona, & res quæcunque quæ de dicta navi projecta ſunt ex eadem extract. vel in mare collect. vel ad terram venientia, ſeu alias quoviſmodo ſalva ſeu ſalvata, per eos ad quorum manus Res, Marchandiſæ, & bona hujuſmodi

modi devenerunt nullatenus diſſipantur, diminuantur, alienentur, dividentur, nec quoviſmodo ſubtrahentur aut concelentur; ſed integra, ſine diminutione quacunque, Gubernatori illius Dominii ſive loci, in quod vel in quem dicta bona devenerunt, ſeu ejus deputato, fideliter & ſine fraude deliberentur & tradentur; ad uſum vel utilitatem illius vel illorum, ad quem vel ad quos, bona ipſa (rei veritate inſpecta) pertinere noſcuntur, conſervanda: Cui vel quibus, infra ſpacium unius anni, à tempore notitiæ naufragii ſive rupturæ navis computand. licebit, pro recuperatione & reſtitutione rerum, Merchandiſarum & bonorum, hujuſmodi, proſequi coram quocunque judice in ea parte competente; cui vel quibus ſic proſequenti vel proſequentibus, realiter & effectualiter tradi, deliberari, ac reſtitui debent, ſolutis expenſis & ſumptibus rationalibus factis circa collectionem & ſalvationem bonorum eorundem.

PROVISO ſemper, quod perſona vel perſonæ, ſuperſtes vel ſuperſtites, ex eadem navi ad terram veniens vel venientes, ſtatim, juxta tenorem & effectum præſentis abſtinentium, libere demittentur.

9. ITEM, Concluſum eſt, Quòd, ſi durantibus dictis Guerrarum abſtinentiis, aliqua navis unius partis vel alterius, perſonis, rebus, Marchandiſis aut bonis, onuſta, ſive rapta, ſive pro victualibus (de neceſſitatibus in mare iis ſubvenientibus) emendis, applicuerit in aliquem portum vel locum alium alicujus partis prædictarum, pro qua refectione navis ipſius, perſonæ, res, & bona contenta in eadem, oporteant ad terram deponi: Quod in hoc caſu perſonæ res, merces & bona ipſa ſic depoſita, abſque impedimento & ſine ſolutione Cuſtomii,

in eadem navi (cum refect. fuerit) vel in alia, reponentur & libere abducantur.

PROVISO tamen, quod pro mercibus, rebus, bonis & Merchandiſis ſic ibidem pro emendis victualibus eis neceſſariis, pro numero parcellarum venditarum, Cuſtomium & cætera denaria in ea parte debita perſolvent.

10. ITEM, Concluſum eſt, Si quis ex una parte partium prædictarum capiat, dictis guerrarum abſtinentiis durantibus, aliquod fortalicium ſuper aliquam partem, ipſe, ſuper & adverſus quem hujuſmodi fortalicum captum fuerit, poterit illud recuperare per viam pacti vel aliter prout melius poterit; & etiam punire poterit malefactores in eadem parte, ſecundum exigentiam cauſæ.

ET tenebuntur conſervatores illius partis, cujus ſubditus hujuſmodi fortalicum cepit, ſuccurrere & juvare ipſum ſuper & adverſus quem hujuſmodi fortalicum captum fuerit, ad ipſum recuperand. quam citius & quam diligentius, ſumptibus illius partis offendentis: vel, ſi magis placuerit, ipſe, ſuper quem hujuſmodi fortalicium captum fuerit, requirere poterit, & ſignificare Regem & Conſervatores illius partis (ſeu eorum deputatum) quod ſibi reddi ſeu reſtitui facient dictum fortalicum ſuum, & Malefactores qui hujuſmodi fortalicum ceperunt; quod ipſi pro poſſe facere tenebuntur, abſque dolo, fraude, & malo ingenio.

11. ITEM, Concordatum eſt & concluſum, quod, ſi (durantibus Guerrarum abſtinentiis) aliquis vel aliqui, ex vaſſalibus, ligeis vel ſubditis, unius partium prædictarum, deliquerit vel deliquerint in territorio alterius partis, liceat parti in cujus territorio ſic deliquerit vel deliquerint ipſos vel ipſum capere, ſecundum leges patriæ in qua ſic deliquerit vel deliquerint, &

ſecundum

ſecundum exigentiam delicti per ipſum vel ipſos ſic commiſſi vel perpetrati: Si vero ſic delinquens vel delinquentes capi non poterit aut poterint (ut præmittitur) ſed ſe retraxerit in Dominium ipſius cujus ſubditus fuerit aut fuerint, conſervatores illius partis requiſiti tenebuntur liberare perſonam vel perſonas hujuſmodi malefactorum puniendum ut præfertur, conſervatoribus illius partis hoc requirentibus (aut eorum deputatis) in Marchiis ubi deliquerit vel deliquerint. SI VERO idem Malefactores ſe occultaverint, latitaverint ſeu effugerint, ut capi non poſſint, Rex cujus ſubditi extiterint debet eos modo perpetuo Bannanire ab omnibus ſuæ dominationi locis ſubject. Quos ex tunc nullo unquam tempore reſtituet, nec permittet ingredi vel inhabitare loca (ut prefertur) ſuæ dominationi ſubjecta; niſi Malefactores ipſi prius inierint juſtitiam, & plene ſatisfecerint alteri parti, contra quam ſic attemptaverit, de attemptatis hujuſmodi ſive delictis per ipſos (ut præfertur) perpetratis: ET licet aliquis malefactor ſive Bannanitus fuerit, ſive abſque Bannanitione ſic ut præfertur captus extiterit, nihilominus tenebuntur conſervatores partis illius, cujus idem malefactor ſubditus extiterit, reparare attemptata de bonis hujuſmodi malefactores, quantum ſufficere poterint. SI VERO idem malefactor, ſic captus ſive apprehenſus, non habet in bonis unde ſatisfacere poterit, in hoc caſu graviùs punietur & luet in corpore. Et inſuper, qui malefactores hujuſmodi ſcienter receptaverint, aut conſilium eis dederint ſive favorem, ad eandem in omnibus ſatisfactionem & pœnam tenebuntur, ad quam faciendum & ſubeundum teneretur hujuſmodi Malefactor ſi poſſit apprehendi.

12. ITEM, Durantibus dictis Trugarum abſtinentiis, nullus dictorum Principum admittet, non recipiet ad obedientiam ſuam, ſeu in ligeum ſuum, aliquem ſubditorum alterius partis: Et ſi poſt datum Præſentium, & ante inceptionem harum Abſtinentium, aliquem vel aliquos ſubditorum alterius ad ſuam obedientiam acceptare contingat, debet ſignificare alteri Principi nomen vel nomina eorum, quos ſic acceptavit, ante decimum diem *Novembris* proxime futur.

13. ITEM, Durantibus dictis Trugarum Abſtinentiis, concluſum eſt, Quod ſi quid contra eaſdem vel aliquam partem earundem per terram, ſive per mare fieri ſeu attemptari contigerit, per hoc præſentes Guerrarum abſtinentiæ non erunt, nec cenſebuntur aut reputabuntur, ruptæ, infirmatæ, vel annullatæ; ſed nihilominus in ſuo robore & vigore permanebunt: Nec Guerræ pro eo fieri debent, ab una vel altera parte, nec priſæ priſonarum, nec deſtructiones aut captiones bonorum, nec obſidiones villarum, aut caſtrorum ſive fortaliciorum, nec homicidia murtheráve quæcunque, in contrarium Præmiſſorum, à quocunque attemptari ſive committi: Sed reparabuntur & reponentur in ſtatum priſtinum & debitum malefacta & attemptata hujuſmodi, nec non interprizæ quæcunque per Conſervatores & Commiſſionarios illius partis cujus Subditi ſi attemptaverunt, obſidiaverunt, vel malefecerunt. QUI vero contrafecerit, (viz. moveat Guerram, ſive obſideat, invadeat, aut rapiat Villas vel Fortalicia, ad faciendum homicidia, ſive murderium, propter aliquod attemptatum ex parte altera; aut præter authoritatem & decretum Conſervatorum, faciet prizas priſonarum, vel deſtructiones ſeu captiones bonorum) cum ipſo cadat in caſu ſuo: Et

Et nihilominus punietur ſecundum delicti ſui exigentiam, & reſtituet & raparabit alteri parti, omne illud in quo eam læſit, & quod recepit ab eadem.

14. ITEM, Concluſum eſt, Quod ſi (dictis Guerrarum Abſtinentiis durantibus) aliquis Subditorum unius partis, vel alterius, contra hæc delinquat, infra Regnum, Terram, ſeu Dominium unius partis, cujus Subditus eſt, & ex tunc cauſa tandem juſtitiæ ſe ſubſtraxerit & effugiat, in locum quemcunque ſubditum & ſubjectum alteri ex partibus cujus Subditus non extiterit, & ille diveniet homo ligeus illius partis; Nihilominus compelletur ad reſpondendum & ſatisfaciend. ac ſubeund. juſtitiam de debito, ſive delicto ſuo, coram Conſervatoribus Abſtinentium utriuſque partis, ſive eorum deputatis, ita ut ſatisfacturus fuiſſet ſub fide & ligeantia ipſius partis, cujus terram & dominium effugit; Eoque caſu, remittetur ac reſtituetur illi parti, cujus Ligeus ac Subditus fuerit, pro juſtitia de eo prout ſibi videtur fiend.

15. ITEM, Concluſum eſt, Quod (durantibus Guerrarum Abſtinentiis) non admittentur nec recipientur ad perhibendum teſtimonium, perſonæ infames, rebelles, fugitivi, proditores, (unius partis vel alterius) convicti per Aſſizam: Sed boni, fideles, juſti, fide digni, & non ſuſpectæ perſonæ.

16. ITEM, Concluſum eſt, Quod (durantibus Guerrarum Abſtinentiis prædictis) nullus unius partis vel alterius ingrediatur Terras, Boſchos, Nemora, Forreſtas, Loca, Dominiave quæcunque, alicujus Subditi alterius partis, cauſa venandi, piſcandi, aucupandi, diſportum ſive ſolatium in eiſdem exercendi, aliave quacunque de cauſa, abſque licentia ejus vel eorum, ad quem vel ad quos, locus vel loca, pertinet vel pertinent. ET ſi contingat boves, vel

animalia, alicujus ſubditi alterius partis ingredi, & gramen & herbam ibidem creſcent. depaſcere, aliove modo illi cujus eſt ſolum injuriam facere, propria authoritate ſua ulſciſcatur; ſi illud malefactum, ſecundum legem & conſuetudinem obſervatum in partibus ubi injuria & damnum tale ſit factum, effectualiter non emendabitur, ut eſt juſtum.

17. ITEM, Ut Guerrarum Abſtinentiæ eo firmius obſerventur, quo cuilibet ex ſubditis partium prædictarum conquerentibus liberior appareat facultas juſtitiam proſequendi, ordinatum & concordatum eſt, Quod ſi quis ex ſubditis partium prædictarum quidquid deprædatus fuerit, in præſenti, (vel infra ſex dies computand. a tempore delicti ſic attemptat. & commiſſi) authoritate præſentis Ordinationis, abſque aliis literis de ſalvo conductu, licet & ipſum ſic proſequendo intrare (ſalvo & ſecurè) Marchiam, in quam idem Malefactor ſe retraxerit. Dummodo quam cito hujuſmodi Marchiam hac de cauſa intraverit, adeat aliquem virum bonæ famæ & opinionis illæſæ habitant. infra Marchiam, quam ſic intravit, & eidem declaret cauſam introitus ſui; viz. ad perſequendam deprædationem ſuam; deſcribetque & ſpecificet ei quibus bonis, rebus, vel cattellis, fuerit deprædatus: Ac in ſuper, requiret eundem quod de factis ſuis (tempore dictæ proſecution) poſſit, cum requiſitus fuerit; ſuper hoc teſtimonium ferre veritatis; vel, ſi ſibi melius videbitur, poterit infra ſex dies prædictos adire unum ex Gardianis alterius partis (vel ejus deputatum) pro ſua juſticia proſequenda.

18. ITEM, Quia tam Excellentiſſimus & Chriſtianiſſimus Princeps, *Angliæ* & *Franciæ* Rex, Quam Excellentiſſimus & Illuſtriſſimus Princeps *Scotorum* Rex ejus conſanguineus, bene con-

conſiderant & perpendunt, quod niſi prædicta omnia bene conſerventur (efficaciter & votive) juxta eorum deſideria, per magnam & debitam diligentiam officiorum, in puniendo tranſgreſſores quoſlibet, pro qualitate delictorum, contingere poterit infrabre. (propter inſolentiam & ineffrenatam multitudinem delinquentium) prædictas abſtinentias multipliciter violari; quod abſit: Idcirco concluſum eſt, quòd, quandocunque aliquis Regum prædictorum ſenſerit ſe aut ſuos contra formam prædictarum Trugarum aggravatum vel aggravatos, in defectu executionis Juſticiæ ab altera parte non fact. Princeps alter ſciens ſe aut ſuos læſum vel læſos, per unum Herauldum (aut alium nuncium) advertiſabit vel informabit alium Regem quod per Officiarios ſuos nullum, aut non debitum, poterit de ſuis conquerentibus habere Juſtitiæ complementum: In quo quidem caſu Rex ſic informatus, & cui talis conqueſtio facta ſit, bis (vel, ad minus, ſemel) in Anno mittet tres aut duos de ſuo conſilio, Juſticiæ & pacis amatores, ad aliquem locum convenientem prope Marchias, obviaturos totidem conſimilibus de conſilio Regis conquerentis, cum poteſtate ſufficienti oneratos, non tantum ad puniendum delinquentes, ſuper quibus conqueritur, juxta qualitatem delicti; verumetiam ad inquirendum, examinandum & inveſtigandum, ſi Conſervatores dictarum abſtinentiarum Gardiani, eorum loca tenentes aut deputati, negligentes fuerint aut remiſſi in executione Juſtitiæ partibus conquerentibus, quos etiam punire, corrigere & emendare habebunt poteſtatem; ſi per talem inquiſitionem, exactionem & inveſtigationem, culpabiles inventi ſint aut remiſſi.

SIMILITER concluſum eſt & proviſum, quòd licebit cuicunque ſpoliato, deprædato

dato aut injuriato (contra formam abſtinentiarum prædictarum inter præfatos Reges initur.) ſpolium ſuum, rapinam ſeu injuriam, proſequi coram quibuſcunque Judicibus in aliquo prædictorum Regnorum in ea parte competentibus, quandocunque ſibi videbitur expedire, & juſtitiæ complementum obtinere.

19. ITEM, Quia nonnunquam ſubditi unius partis in mare navigantes a navigatione ſua plurima impediment. & alia damna patiuntur per ſubditos alterius partis (qui ſufficientem habent notitiam, per *Cocketa*, ſive alia evidentia documenta, Quod ſint alterius partis ſubditi) ſive vela ſua coguntur ſubtrahere, ſive in parte vel toto deponere.

Inter nos Commiſſarios prædictos concluſum eſt, quod nulli ſubditorum unius vel alterius partis liceat aliquos ſubditorum alterius partis navigantes (dummodo per hujuſmodi *Cocketa*, ſive documenta, evidenter conſtat eiſdem quod alterius partis ſubditi, naves & bona, ſunt) cogere vela ſua ſive velum ſuum deponere, ſeu aliquo modo a licita navigatione impedire: Et ſi eorum aliquis vel aliqui contraſecerit, vel fecerint, tanquam effractores & violatores abſtinentiar. præſentium, arguantur & etiam punientur.

20. ITEM, Concluſum eſt, quod (dictis guerrarum abſtinentiis durantibus) non liceat nec licebit cuique ſubdito alicujus regni memorati, aut alicui alteri inhabitant. regnum, terram ſive dominium alterius eorundem, per ſe vel per alios quoſcunque lanas, vel pelles lanatas, emere, vel alio modo recipere, de uno Regno in aliud ipſorum, per terram vel mare, vehendi auferend' & diſportand' cauſæ; ſed lanæ ipſæ, prout aliàs pro eis ordinatum & depoſitum eſt, abſque fraude, malove ingenio quocunque, diſ-

diſponentur ſecundum leges & conſuetudines alterius regnorum prædictorum.

21. ITEM, Quod ſi (præſentibus guerrarum abſtinentiis durantibus) nihilominus aliqui ſubditi unius prædictorum Regnorum de facto vadant in auxilium hoſtium ſive adverſariorum alterius ipſorum Regum, licebit illi Regi & ſubditis ſuis, adverſus quem, & in cujus hoſtium ſive adverſariorum auxilium ſic tranſierunt, ipſos, eundo, manendo ſeu redeundo, reprehendere, præſentibus guerrarum abſtinentiis non obſtantibus.

22. ITEM, Præterea, ut eo fortius & inviolabilius præſentes Guerrarum abſtinentiæ obſerventur, quo bonis proviſionibus fuerint corroborat. ſimili modo concluſum eſt, quod omnes & ſinguli gardiani Marchiarum, unius partis & alterius, præſentes & futuri, ac omnes veri notabiles, prope dictas Marchias, a villis *Novi caſtri* & *Perith* in *Anglia* verſus *Scotiam* ex una parte, & a villis de *Edenbrough* & Drumfries in *Scotia* verſus *Angliam* inhabitantes, parte ex altera, ad Sacroſanctum Dei Evangelium, coram eis depoſitum, & corporaliter per eoſdem, & eorum quemlibet tactum, jurabunt quod præſentes guerrarum abſtinentias in omnibus & ſingulis capitulis & articulis earundem bona fide abſque dolo, fraude, malove ingenio quibuſcunque obſervabunt, & per alios (quantum in iis eſt) obſervari facient: Et quod, nullo unquam, tempore durationis earundem abſtinentiar. per ſe vel per alios, clam vel palam, directe vel indirecte, eas in aliqua ſua parte violabunt, nec violari facient, nec permittent. quantum poterint quoviſmodo. Quod quidem juramentum omnium & ſingulorum prædictorum, fieri debet publicè & ſolemniter, circa triginta dies proxime ſequentes, poſt inceptionem

ceptionem harum abſtinentiar. prædictarum continuè numerand.

Gardianorum verò Marchiarum *Angliæ* verſus *Scotiam* in manibus Chriſtianiſſimi & Excellentiſſimi Principis, *Angliæ* & *Franciæ* Regis, vel Commiſſariorum ſuorum ad hoc ſpecialiter deputandorum.

Et Gardianorum Marchiarum *Scotiæ* in manibus Excell. & Illuſtriſſimi Principis *Scotorum* Regis, aut Commiſſariorum ſuorum ad hoc ſpecialiter deputandorum.

Notabilium vero utriuſque partis in manibus Guardianorum utriuſque partis ſive Marchiarum earundem.

Anglorum, viz. in manibus Gardianorum *Angliæ*, *Scotorum* vero in manibus Gardianorum Marchiarum *Scotiæ*.

Nomina autem eorum qui ſic juraverunt infra menſem poſt præſtationem ejuſdem juramenti certificabuntur alterutri attentice, Gardianis ſingulis Marchiarum prædictarum ut apud ipſos ſingulorum nomina ſic jurantium habere valeant de recordo.

23. ITEM, Concluſum eſt, Quod has Guerrarum abſtinentias uterque Rex in cunctis articulis faciet firmiter & inviolabiliter obſervari, ſicut antiquitus ex ritu & conſuetudine melius pleniuſque tales abſtinentias obſervare conſueverunt; omni fraude, dolo, malove ingenio, penitus ſemotis.

24. ITEM, Concordatum & Concluſum eſt inter nos Commiſſionarios prædictos, quantum ad confœderatos, illi non intelliguntur his Guerrarum abſtinentiis comprehenſi, ex una parte vel altera qui Guerrarum abſtinent. cum altero Principum prædict. fecerunt, alio Principe in eiſdem non comprehenſo.

25. ITEM,

25. ITEM, Concordatum eſt, Quod in eiſdem Guerrarum abſtinentiis debet expreſſe comprehendi ex parte dict. Excellentiſſimi & Chriſtianiſſimi Principis *Edwardi* Regis *Angliæ* & *Franciæ* JACOBUS DOUGLASS, & alii nati in *Scotia*, qui ante diem præſentium ligei coronæ *Angliæ* devenerunt, & ita privilegiis harum abſtinentiarum gaudebunt ſicut proprii ſubditi ex Nativitate Regni *Angliæ*.

26. ITEM, Concordatum & Concluſum eſt, Quod præſentes Guerrarum abſtinentiæ captæ & initæ, modis & forma ut ſupra; Attamen non dicentur nec reputabuntur omnino generales, nec de ſe extendent ad dominium de *Loren* in Regno *Scotiæ*, nec de *London* in *Anglia*, ſed Dominium & Inſulæ prædict. intelligentur nullo modo in his Guerrarum abſtinentiis comprehendi. *London & Loren.*

27. ITEM, Concluſum eſt, Quod utraque partium prædictarum proclamari & notificari facient dictas Guerrarum Abſtinentias ſubditis ſuis infra trigint. dies proxime poſt datum præſentium continue numerand.

CONSERVATORES vero abſtinentium guerrar. prædictarum pro Excellentiſ. & Illuſtriſſimo *Jacobo Scotorum* Rege, ejuſque regno, terris, dominiis, locis & perſonis quibuſcunque ei ſubjectis, erunt tam per terram quam per mare,

Joannes Comes *Atholl.*
David Comes *Crawford.*
Alexander Comes *Huntley.*
Colinus Comes de *Argile.*
Robertus Dominus *Maxwell.*
Willielmus de *Douglas Cleue.*
Gilbertus Dominus *Kenedy.*
Jacobus Dominus de *Levingſtone.*

Jacobus

Jacobus Dominus *Hamiltone.*
Thomas Dominus *Earskinge.*
Alexander Dominus *Montgomerie.*
Johannes Dominus *Lindſey.*
Patricius Dominus *Halles.*
Willielmus Dominus *Borthwick.*
Alexander Boyd de Bruncell. } *Milites.*
Alexander Hume de (*a*) eadem. }
Walterus Scot de *Kirkwood.* }
Simon Glendonen de *Perton.* } *Milites.*
Thomas Cranſton de eadem. }

Et omnes Admiralli Maris, Cuſtodeſque Marchiarum *Scotiæ* verſus Angliam.

PRO Illuſtriſſimo & Excellentiſſimo Principe *Edwardo Angliæ* & *Franciæ* Rege, erunt,
Richardus Comes *Warwick* & *Sarum.*
Johannes Comes *Northumbriæ.*
Henricus Comes *Eſſex.*
Radolphus Dominus *Grayſtock.*
Henricus Dominus *Fittzheughe.*
Johannes Dominus *Scroope* de *Boultone.*
Willielmus Dominus *Haſtinges.*
Thomas Dominus *Lumley.*
Robertus Dominus de *Lomley.*
Robertus Dominus *Ogle.* } Milites.
Henricus Nevill. }
Jacobus Strangwize. }
Robertus Conſtable. }
Johannes Coniers. }
Willielmus Brice. }
Robertus Caxton. }
Johannes Huddleſton. }
Willielmus Parr. }
Chriſtoferus Coniers. }
Rogerus Thornton. }
Galfridus Middleton, Armiger

(*a*) *De eadem*, of that Ilk; *i. e.* Hume of Hume.

ET

ET omnes Admiralli Maris & Cuſtodes Marchiarum *Angliæ* verſus *Scotiam*. QUI omnes & ſinguli, ex utraque parte nominati, hinc inde, habebunt, plenam poteſtatem ſoli & in ſolidum, ac Guardiani & Admiralli in locis cuſtodiæ & Admiralitatum ſuarum, ad reparandum, reformandum & emendandum, vel reparare, reformare, & emendare facient omnia damna & attemptata, exceſſ. facta, & perpetrata, faciend. & perpetrand. contra tenorem prædictarum abſtinentium: Et ad puniend. Malefactores omnes & ſingulos ſecundum cauſam & exigentiam delictorum ſuorum.

HENRICUS OCTAVUS.

1533.

HENRICUS Octavus, Dei Gratia, *Angliæ* & *Franciæ* Rex, Fidei Defenſor, & Dominus *Hiberniæ*, omnibus Chriſti Fidelibus ad quos præſens Scriptum pervenerit inſpecturum, lecturum, & auditurum, Salutem & Fidem indubiam adhibend. CUM nuper per Commiſſionarios, Procuratores, Legatos, Ambaſſadores, Deputatos & Nuncios noſtros, ex una parte; & Oratores, Commiſſionarioſque illuſtriſſimi & invictiſſimi Principis *Jacobi*, Dei Gratia, Regis *Scotorum*, Fratris & Nepotis noſtri chariſſimi, ex altera parte. Bona, realis, ſincera, vera, integra & firma, Pax Amicitia, Liga, & Confœderatio, Unio & Intelligentia, per terram, per mare, & aquas dulces, & ubique locorum, inter nos & dictum chariſſimum Nepotem noſtrum, regna,

ſub-

ſubditos, vaſſallos & ligeos, tractantur, concordantur, conveniuntur, ineuntur, & concluſa ſunt; prout per inſtrument. tractat. conventionis & concluſionis hujuſmodi, plenius liquet, & apparet cujus verus tenor de verbo in verbum ſequitur, & eſt talis;

"SINGULIS & univerſis, ad quorum notitiam præſentes literæ indentatæ pervenerint, ſalutem & fidem indubiam præſentibus adhibend. Ad notitiam veſtram deducimus, & deduci volumus per præſentes, quod quum inter mortales, non tantum divino, ſed etiam humano jure, Amor, Charitas, & Amicitia inviolabiliter obſervand. ſint, tam maximè inter eos quos neceſſitudo ſanguinis conjunxit, & quanto proximior Agnitionis gradu ſeſe mutuo attingunt tanto ardentius & firmioribus amicitiæ nexibus copulentur. AEQUUM igitur & pium eſt, ut Avunculus & Nepos, eorumque gentes, quibus eſt morum paritas, eædem pene idonea vicinaque ejuſdem inſulæ habitatio, arctiori amicitiæ vinculo, quam cæteri mortales perpetuo conglutinentur. HINC eſt, quod nos, *Thomas Audley* Miles, magnus Cancellarius *Angliæ*; *Thomas Cromwell*, illuſtriſſimi & potentiſſimi Principis *Henrici Octavi*, Dei gratia, *Angliæ* & *Franciæ* Regis, & Domini *Hiberniæ*, Secretarius; *Edwardus Fox*, ejuſdem illuſtriſſimi Regis *Angliæ* Elimoſinarius; *Johannes Treymevell*, ipſius Regis à Conſiliis; & *Richardus Givente*, Curiæ Metropoliticæ *Cantuarienſis* Officialis Principalis; ſpecifact. illuſtriſ. Regis *Angliæ* Conſiliarii, Oratores, Commiſſionarii & Procuratores, ad infra Script. ſufficienter authorizati; cum honorabilibus & ſpectabilibus Viris, *Willielmo*, permiſſione divina, *Abberdonenſ.* Epiſcopo, Regni *Scotiæ* magno Theſaurario; & Domino *Adamo Otterburne*

de

de *Reedhall* Milite, ſereniſſimi & inviĉtiſſimi Principis *Jacobi*, Dei gratia, *Scotorum* Regis Conſiliariis, Oratoribus, Commiſſionariis, & Procuratoribus, ad infra ſcripta ſufficienter authorizatis, ad laudem & honorem Dei omnipotentis, glorioſæ Virginis *Mariæ*, totiuſque Curiæ cœleſtis, & Chriſtianæ Religionis incrementum; convenimus, concordavimus, & concluſimus, authoritate Commiſſionum noſtrarum, quarum tenores inſerius inſeruntur, & per præſentes literas indentatas, convenimus, concordavimus & concluſimus, articulatim, prout ſequitur.

1. IMPRIMIS, Conventum, Concordatum & Concluſum eſt inter nos Oratores & Commiſſionarios prædiĉtos, nominibus quibus ſupra, quod inter Potentiſſimos & Illuſtriſſimos *Angliæ* & *Scotiæ* Reges ſupradiĉtos, eorum Hæredes & Succeſſores, Regna, patrias, dominia, Terras & loca quæcunque eorundem, nec non Vaſſallos, Ligeos, Homines & ſubditos ſuos quoſcunque præſentes & futuros, tam Eccleſiaſticos quam ſæculares, cujuſcunque gradus, præheminentiæ, ſtatus & conditionis exiſtunt; ſit bona, realis, ſincera, vera & integra, pax, firmaque Amicitia, Liga, & Confœderatio, per terras, mare, & aquas dulces, & ubicunque locorum, à dat. Præſentium inconcuſſe & inviolabiliter obſervand. & perpetuo duratur. durante vita utriuſque diĉtorum Regum, & per unum annum integrum poſt mortem alterius eorundem primùm morientis. *The Continuance of Peace, during the Lives of the Princes.*

2. ITEM, Conventum, concordatum, & concluſum eſt, Quod (durante termino prædiĉto) neuter diĉtorum Principum, eorumve Subditi, movebit per ſe, aut per ſubditos ſuos moveri faciet, aut per alios quoſcunque moveri permittet, Guerram, Bellum, Hoſtilitates, aut Inimi- *One Prince ſhall not move War againſt another during theſe Truces.*

Inimicitias quaſcunque; per terram, mare, & aquas dulces, portus, littora maris, aut alia loca quæcunque, adverſus alterum prædictorum Regum, eorumve ſubditos, vaſſallos, & confœderatos; nec quicquam aliud faciet, aget, tractabit, vel attemptabit, aut ab aliis agi, fieri, tractari, aut attemptari procurabit, permittet, aut conſpiciet, aut occaſione ſive prætextu quocunque, quod in injuriam, damnum, vel moleſtiam alterutr. Principum prædictorum, eorumve, aut alterius eorum, Terrarum, Regnorum, Dominorum, Vaſſallorum, Ligeorum, Hominum Subditorumve ſuorum quorumcunque cadere poſſit.

3. ITEM, (Per dictum terminum) pro conſervatione & defenſione perſonarum authoritatum, dignitatum & ſtatuum, regnorum, patriarum, terrarum, dominiorumque Principum dictorum, contra adverſarios, perturbatores & hoſtiles aggreſſus quoſcunque conventum, concordatum & concluſum eſt, quòd ſi contingat in poſterum quod aliquis vel aliqui cujuſcunque gradus, præheminentiæ, ſtatus aut conditionis, exiſtat ſive exiſtant, aut quacunque dignitate, ſive ſpirituali ſive temporali, etiam ſi ſuprema authoritate, ſe præfulgere prætendat ſive prætendant, licet utriuſq; vel alterius Principum prædictorum conſanguineus, affinis, confœderatus vel allegatus, fuerit vel fuerint, aut quocunque neceſſitudinis utrumque Principum prædictorum, aut eorum alterum, attingat vel attingant, quacunque de cauſa, colore, occaſione ſive prætextu, Regna, Terras, Dominia, Patrias & alia quæcunque loca, ad alterum prædictorum Principum pertinentia, hoſtiliter invaſerit vel aggreſſus fuerit, ſeu bellum aut guerram facere aut movere præſumpſerit aut præſumpſerint, aut per alios fieri aut moveri

veri procuraverit aut procuraverint, aut ullam omnino injuriam, damnum moleſtiam, aut gravamen, Principibus prædictis, eorumve ſubditis, incolis ſive inhabitantibus infra Regna, Terras, Patrias, Dominia, ſive alia loca eorum, ſeu eorum alterius dominio aut ditioni ſubject. inferre aut facere voluerit ſive voluerint, attemptaverit ſive attemptaverint; QUOD tunc, & in eo caſu, neuter dictorum Principum auxilium, favorem, conſilium, aſſenſum, ſubſidium, naves, pecunias, aut alias res vel aliam aſſiſtentiam quamcunque publice vel occulte, directe vel indirecte, ſecrete vel aperte, aliove quocunque colore, dabit, præſtabit, nec a ſubditis ſuis dari vel præſtari permittet, aut conſentiet, quoviſmodo, ut hujuſmodi bella, guerræ, hoſtilitates ſive invaſiones, fiant.

SED bona fide, realiter & cum effectu, ſubditos ſuos ad ſic præſtandum & faciendum prohibebit; non obſtantibus prioribus quibuſcunque contractibus, Ligis, amicitiis, fidelibus confederationibus, pactis ſive conventionibus, per eos vel eorum alterum, ante datum præſentium habitis, factis, initis, concluſis ſive contractis, aut quocunque modo confirmatis, ſive poſt hæc habendis, contrahendis, concludendis, ſive confirmandis, cum quibuſcunque perſonis, cujuſcunque gradus, ſtatus, honoris, conditionis ſive dignitatis, exiſtunt.

PROVISO tamen, quod per præſentes pacis & amicitiæ tractatus, nec per aliquem articulum in eiſdem comprehenſum, ab antiquis illis & priſtinis fœderibus, ligis & confœderationibus, quæ ſereniſſimus Rex *Angliæ* ejuſque progenitores, vel illuſtriſſ. Rex *Scotorum* ejuſque progenitores, cum Chriſtianiſſimo *Gallorum* Rege ejuſque anteceſſoribus, ante hæc

tempora inierunt, concordaverunt, concluſe-runt & contraxerunt, quæ de jure valida & inconcuſſa ſunt, in ulla parte receſs. & derogat. eſſe cenſeatur. SED quod illa omnia & ſingula ita firma & ſtabilia permanebunt, ac ſi præſens amicitiæ & pacis tractatus nunquam interveniſſet.

4. ITEM, Conventum, concordatum & concluſum eſt, quòd neuter dictorum Principum, eorùmve vel eorum alterius ſubditi, prætextu, occaſione, aut ratione ullius ſententiæ ſive cenſuræ Eccleſiaſticæ, quæ aut contra alterutrum Principum prædictorum, eorumve aut alterius eorum Regna, Terras, Dominia aut ſubditos, ante tempus hujus initi tractatus pacis & confœderationis, aut quocunque de jure vel ab homine lata, interpoſita & pervulgata eſt, aut quæ in poſterum, quacunque de cauſa, per quemcunque Judicem, cujuſcunque conditionis, honoris, præheminentiæ aut dignitatis, exiſtat, fieri, interponi aut pervulgari, contingat: aut ratione, prætextu, ſive occaſione, alterius cujuſcunque de cauſa ſive materia, dictum perpetuum pacis fœdus, aut aliquem articulum in eodum comprehenſum violabit, diminuet aut diſſolvet, vel violabunt, diminuent aut diſſolvent.

SED omnia & ſingula articuli & captiula præſentis tractatus, juxta verum tenorem, vim, formam & effectum, ac exigentiam eorundem, inconcuſſè, inviolabiliter & bona fide, obſervabuntur.

QUODQUE dicti Principes, & eorum uterque, infra tres menſes poſt datum præſentium, coram Notariis & teſtibus ad id ſpecialiter vocatis & requiſitis, nec non in præſentia Oratoris ſive Oratorum ad id videndum & requirendum per eoſdem Principes & eorum alterum

deſti-

deſtinand. ſive deſtinandorum, omnibus & ſingulis privilegiis, diſpenſationibus, cauſis, rationibus, prætextibus ex occaſionibus, aut etiam aliis quibuſcunque de juris aut facti remediis, in genere vel in ſpecie, dictis Principibus aut eorum literi, de jure vel ab homine, ſub quacunque verborum ſerie conceſſis ſive concedend. perinde ac ſi ſpecialiter & nominatim eſſent hic inſerta, perque effectus præſentium (quomodo libet impedire poſſit lege & canone quibus canetur, vel alterius beneficii futuri non valeat in aliquo non obſtante) palam, publice, expreſſe & in ſcriptis, ex certa ſcientia, & in vim pacti, renunciabunt, & eorum uterque renunciabit; prout nos oratores & commiſſiarii prædict. nominibus dictorum ſereniſſimorum Regum, authoritate nobis in hac parte conceſſa, palam, publice & in vim pacti, in his ſcriptis, omnibus & ſingulis hujuſmodi privilegiis, diſpenſationibus & cæteris præmiſſis, per præſentes renunciamus.

5. ITEM, Conventum, concordatum & concluſum eſt, quòd dictis pacis & amicitiæ trugis durantibus, neuter Regum prædictorum quoviſmodo receptabit, cuſtodiet aut retinebit, aliquos rebelles, ſive proditores, dictorum Principum aut eorum alterius, de crimine læſæ majeſtatis ſuſpectos; nec hujuſmodi rebelles, ſive proditores, qui in aliquem locum obedientiæ Principum prædictorum, ſeu alterius eorum, declinaverit, quodammodo dabit vel præſtabit auxilium, conſilium, favorem, ſubſidium & aſſiſtentiam; ſed infra viginti dies poſtquam per literas ipſius Principum prædictorum cujus hujuſmodi rebelles, ſive proditores, extiterunt, alter ex Principibus hujuſmodi requiſitus eos omnes & ſingulos literarum hujuſmodi requiſitionis latori, aut aliis ad hoc in hujuſmodi li-

teris nominatis ſive deputatis, bona fide tradet, reſtituet & deliberabit, vel tradi, reſtitui & deliberari faciet: Niſi & quantum de & ſuper receptione & retentione, aut cuſtodia alicujus ſive aliquorum hujuſmodi rebellium ſive proditorum, de crimine læſæ majeſtatis ſuſpectorum, aliter conventum ſive concordatum fuerit inter Principes prædictos, aut eorum oratores & Nuncios, eorum conſenſu per literas indentatas, ipſorum Regum ſeu eorundem oratorum ſigillis concluſum & determinatum fuerit.

Eſcape of Offenders into the oppoſite Realm, with the manner of their delivery.

6. ITEM, Conventum, concordatum & concluſum eſt, quod (dictis pacis & amicitiæ trugis durantibus) neuter Regum prædictorum quoviſmodo receptabit, nec a ſubditis ſuis receptari permittet, aut eorum alteri, aliquos homicidas, fures, Latrones aut transfugas nec alios malefactores quoſcunque, qui in aliquem locum obedientiæ alterius Principum prædictorum declinaverint, quoquomodo dabit vel præſtabit, conſilium, auxilium, ſubſidium aut aſſiſtentiam; ſed, infra decem dies proxime & immediate ſequentes, poſtquam per literas ipſius Principis, cujus hujuſmodi homicida, fur, latro, transfuga & malefactor, ſubditus extitit, aut ipſius Gardiani, locum tenentis aut deputati alter ex Principibus hujuſmodi, cum fuerit requiſitus per literam, hujuſmodi latores, aut alios in eiſdem literis nominatos ſeu deputatos, prædictos homicidas, fures & transfugas, tradet & deliberabit, tradive & deliberari faciet.

Letters of Safe Conduct.

7. ITEM, Conventum, concordatum & concluſum eſt per oratores, quòd literæ ſalvi conductus, per neutrum Principum prædictorum qualitercunque eorum alterius rebellibus gentibus, Guerrarum mercatoribus, artific. aliiſque utriuſque ſubjectis, cujuſcunque ſtatus, digni-

dignitatis, gradus ſive conditionis exiſtant, ſub utriuſque aut alterius eorum magnis aut privatis ſigillis ſigillatæ, nec vivis vocibus eorum vacabilibus, aut aliter qualitercunque per terram ſive mare, durantibus pace & amicitiis prædictis, de cæteris minime, concedentur aut alio modo annumerentur per eorum alterum: Niſi ad id alter eorum per alterum eorundem congrue in ſcriptis requiratur expreſſe.

ET Caſu quo de cætero quandocunque alter alterum dictorum Principum per hujuſmodi literas ſalvi conductus cuicunque ſubdito ſuo, vel quibuſcunque ſubditis ſuis indulgend. in ſcriptis, & inde fact. interpell. id requirent. ſtabit. Nihilominus in arbitrio & voluntate Principis ſic interpellati, an in hujuſmodi interpellatione acquieſcere, literaſve ſalvi conductus concedere voluit an non, ſecundum quod idem Princeps ſic requiſitus melius expedire videbit, ita tamen quod hujuſmodi literæ ſalvi conductus ultra unum annum minime concedentur.

PROVISO tamen, quod literæ ſupplicatoriæ utriuſque dictorum Principum vim habebunt literarum ſalvi conductus, eruntque ſufficientis roboris, ut ligei & ſubditi in eiſdem nominati, cujuſcunque fuerint ſtatus & præheminentiæ, liberè, tutique in ſuum regnum recedere & redire poterint: Etiam ſi Princeps ipſe ſic interpellatus, literas ſuas ſalvi conductus tradere noluerit aut recuſaverit; literis nihilominus ſalvi conductus ante hæc tempora conceſſis ſuo robore duraturis.

8. ITEM, Conventum, concordatum & concluſum eſt, Quod Homicidæ, Fures, Latrones, & alii malefactores quicunque, utriuſque Regnorum prædictorum, durantibus dictis pacis & amicitiæ Trugis, modo & forma

ſequenti pronuncientur. VIZ. Si contingat de cætero, aliquem vel aliquos, ſubditum vel ſubditos dicti Regis *Angliæ*, infra Marchiarum *Scotiæ*, vel limites Marchiarum *Angliæ*, violenter interficere, Gardianus Marchiarum *Scotiæ* prædictarum, vel deputatus aut deputati, cum omni cura & diligentia, omni favore poſtpoſito, ac dolo, fraude, malove ingenio quibuſcunque in hac parte ceſſantibus, proſequentur; & taliter proſequentur ut talis interfector ſeu interfectores capiantur, & ducantur ad dietam per Gardianos utriuſque Marchiarum, vel per eorum deputatos, appunctand' ubi, ſi per leges Marchiarum convincatur, vel convincantur, tunc Gardianus Marchiarum *Scotiæ* talem malefactorem, vel tales malefactores, ut ſupra convictum vel convictos, Gardiano Marchiarum *Angliæ* liberabit, ſeu liberari faciet. Qui quidem Gardianus Marchiarum *Angliæ* ipſum homicidam, vel ipſos homicidas, ſic ut ſupra convictum vel convictos, & ſibi conſignatum vel conſignatos, pro hujuſmodi homicidio ultimo ſupplicio condemnabit.

9. ET ſi de cætero contingat aliquem vel aliquos, ſubditum vel ſubditos dicti Regis *Angliæ*, aliquem vel aliquos, ſubditum vel ſubditos dicti Regis *Scotiæ*, infra Marchiam *Angliæ*, vel limites Marchiarum *Scotiæ* violenter interficere, Gardianus Marchiarum prædictarum *Angliæ*, vel ejus deputatus vel deputati, cum omni cura & diligentia, omni favore poſtpoſito, ac dolo, fraudeque ſiniſtra quibuſcunque in hac parte ceſſantibus, proſequentur; & taliter proſequentur, ut talis interfector, ſeu talis interfectores capiantur & ducantur ad dietam per Gardianos utriuſque Marchiarum, vel per eorum deputatos, appunctand. ubi ſi per leges Marchiarum legitime convincantur,

vel

vel aliquis eorum convincatur; tunc Gardianus Marchiarum *Angliæ* talem interfectorem vel tales interfectores, ut ſupra convictum vel convictos, Gardiano Marchiarum *Scotiæ* liberabit ſeu liberari faciet. Qui Gardianus Marchiarum *Scotiæ* ipſum homicidam, vel homicidas ipſos, ſicut ſupra convictum vel convictos, & ſibi conſignatum vel conſignatos, pro hujuſmodi homicidio, ultimo ſupplicio condemnabit.

10. ITEM, Conventum & concluſum eſt, Quod Naves, Nautæ, Mercatores, & alii Subditi utriuſque Principum prædict. per terram, mare, & aquas dulces, euntes, converſantes, navigantes, naufragium paſſi, & permanentes, tractentur, & recipientur; prout melius tractari & recipi conſueverunt, in temporibus aliarum Trugarum & Pacis inter *Angliæ* & *Franciæ* Reges, & eorum Regna initur. & concluſ. Et præcipimus, quod recipiantur & tractentur, juxta vim, formam, & effectum contractarum trugarum, concluſarum, inter quondam potentiſſimos bonæ & præclaræ memoriæ Principes *Edwardum* Quartum, & *Jacobum* Tertium, tunc *Angliæ* & *Scotorum* Reges, gerent Dat. primo die Menſis *Junii*, Anno Domini, Milleſimo Quadrageteſimo Sexageſimo Quarto.

Exactum cum Originali.

Commiſſioners for *England.*

Thomas Audley.
Thomas Cromwell.
Edward Fox.
John Treggmovell.
Richard Givente.

Commiſſioners for *Scotland.*

William Biſhop of *Aberdeene.*
Adam Otterburne.

EDWARDUS SEXTUS.

1549.

BE IT KNOWN unto all Men by theſe Preſents, and we will that you give undoubted Faith hereto: Foraſmuch as in the Treaty of perpetual Peace, concluded between the moſt Noble and Mighty Prince *Edward*, by the Grace of God of *England*, *France* and *Ireland*, King, Defender of the Faith; and in Earth of the Church of *England* and *Ireland*, under Chriſt, the Supream Head: And *Henry*, moſt Chriſtian King of *France*, the Twentieth Day of the Month of *March*, in the Year of our Lord God, One thouſand five hundred and forty nine: The moſt excellent Princeſs *Mary*, by the ſame Grace, Queen of *Scots*, and of the Kingdom of *Scotland* is comprehended; as by certain Means and Conditions in the ſaid Treaty more plainly it is ſpecified. AND the ſaid Queen hath afterwards approved and accepted the ſaid Comprehenſion, as by Letters Patents, corroborated with the great Seal of *Scotland*, more largely it is Witneſſed.

ALBEIT from henceforth the Tumults and Troubles of the War did ceaſe, and the the Dominions and Kingdoms with the Subjects of the moſt Noble King of *England*, and the moſt Excellent Queen of *Scotland*, of both Sides, do live in quiet and peaceable State; which Almighty God for his great Mercy we beſeech to preſerve Safely for ever. YET becauſe certain Queſtions and Controverſies,

troverſies, as well for the Limits and Bounds of both the Kingdoms of *England* and *Scotland*, as alſo for the Determination, Detention, and Delivery of Captives and certain Pledges. FURTHERMORE for certain Piracies, Spoils, and other Attempts, Injuries and Wrongs, which may be done by the one People to the other.

AND alſo, for the gentle and friendly Entertainment of Merchant Ships and Subjects of both the Kingdoms, which hitherto hang undiſcuſſed; which Things if they be not otherwiſe friendly handled, ordered, and ended, great Jeopardy might thereof enſue. And leſt, by the occaſion thereof, the pleaſantneſs of this friendly Amity between ſo Mighty Princes lately reconciled might be troubled, (which God forbid) it ſeemeth convenient and alſo neceſſary to define, declare, and determine, what Doubts in that behalf do ſpring and ariſe: that in as much as may be, from henceforth ſuch Seeds of War and Strife may be cut off. Wherefore we, *Thomas* by the Permiſſion of God, Biſhop of *Norwich*, *Robert Bowes*, *Leonard Beckwith*, and *Thomas Challoner*, Knights, Commiſſioners of the moſt Noble King of *England*, Ambaſſadors, Orators, Proctors, Deputies, and ſpecial Meſſengers, to theſe Things here underwritten; having ſufficient Power and Authority, have condeſcended, agreed, and concluded, with the moſt Reverend Father and Noblemen, *Robert* by the Sufferance of God, Biſhop of *Orkney*, *Robert* Lord *Maxwell*, *Thomas* Maſter of *Askinne*, and *Lewes* of St. *Gelaſs* Lord of *Lanſat*, Knights, Commiſſioners, Proctors, Legats, Orators, Deputies

and Special Meſſengers, of the Excellent Princeſs, *Mary* Queen of *Scots*, by the Authority of our Commiſſioners, the Tenor whereof hereafter followeth: By theſe Preſents we Aſſembled together, Covenant, Grant, Agree, and Conclude, as hereafter in theſe Preſents is contained, comprized, and followeth by theſe Preſents, Grants, Covenants, Concluſements, and Agreements.

1. FIRST, It is Agreed, Concorded and Ordered, between us and the Commiſſioners aforeſaid, That the Limits, Bounds, and Borders, of the Kingdoms of *England* and *Scotland* on both ſides, where they be joined together, ſhall be adjudged ſuch and the ſame as they have been, and were judged lately before the beginning of the Wars; the which lately were had between King *Henry* the Eighth of *England*, and *James* the Fifth, late King of *Scotland*.

The continuance of the Limits and Bounds of both Realms.

2. ITEM, It is Covenanted, Concorded, and Concluded, That the Land variable, common of both the People, called the *Debateable Ground*, which lieth between the Weſt Marches of *England* and *Scotland*, ſhall be put and ſet in the ſame Eſtate, and ſhall remain (in as much as belongeth to the uſe thereof) even as it hath been accuſtomed to be, and was before the beginning of the Wars. SO as the Lieges and Subjects of both the Realms, now inhabiting or having Houſes upon the ſaid *Debateable Ground*, may have Power and Liberty (until the Feaſt of St. *Michael* the Archangel next coming, after the date hereof) to dwell there, without Prejudice of this Article, and to uſe and enjoy the ſame, during ſuch ſpace of time they may to their beſt Commodity remove themſelves, their

Debateable Ground.

Wives

Wives and Children, Goods and Cattle, and other their Things (every of them) into his own Country; unleſs it be otherwiſe in the mean time, of the ſaid *Variable Ground*, by good ways and means agreed and concluded between the Princes aforeſaid. AND, after the ſaid Feaſt, if any of either Country of the ſaid Inhabitants do in any thing contrary to this Article, then (by the Warden or his Deputy, without reſpect) they ſhall be thrown out and duly puniſhed therefore, according to the Laws of *March*.

PROVIDED, That whoſoever refuſeth to Obey the Commandments of the Wardens of both Marches aforeſaid, and the Covenants taken by common conſent for the good rule thereof, that they occupy not the Privileges of the ſmall delay aforeſaid.

3. ITEM, It is agreed and concluded, That during the Peace and Amity aforeſaid, the Caſtle and Town of *Berwick*, with their ancient Limits and Bounds, and the Inhabitants and Dwellers in the ſame, ſhall be contained, ſtand, and abide, under the ſame Peace and Amity. So that the moſt noble Queen of *Scots*, by her Self, or other her Subjects, Lieges, or Vaſſals, ſhall move no War, Aſſault, Obſeſſion, or other Hoſtility, to thoſe Places, or againſt the Inhabitants of the ſame.

Nor the moſt mighty King of *England*, by Himſelf, or the Inhabitants of the Caſtle and Town of *Berwick* aforeſaid, ſhall make (by any means, during the time of the ſaid Peace and Amity) any Battle or War, Aſſault, Obſeſſion, or other Hoſtility, to the ſame Noble Queen of *Scots*, or to Her Lieges or Vaſſals whatſoever.

4. ITEM, It is agreed, convenanted, and concluded, That within Four days after the

date hereof, the Houſe and Mill of *Eddrington*, called otherwiſe *Caw-Mills*, with the Lands, Fiſhings, and others the Appurtenances, which as parcel of that Place (before the Wars were made) was poſſeſſed by the *Scots*, ſhall be reſtored to the ſaid moſt Noble Queen of *Scots*; removing the Garriſon of *England*, which now are there reſident.

5. ITEM, It is covenanted and agreed, That ſo many and ſuch Fiſhings in the Flood of *Tweede*, from the Bounds and Limits of *Berwick*, aſcending upwards to *Ryding-burne*, even as many and ſuch ſhall appertain to the Kingdom of *Scotland* as notoriouſly did appertain thereunto before the beginning of the ſaid Wars, and by the *Scots* were haunted, and by uſe exerciſed and holden of the ſame manner, as by right they might.

6. ITEM, It is covenanted and agreed, That all manner of Pledges and Captives, for any manner of Cauſe, taken and holden on both Sides, in the time of the ſaid Wars, ſhall be delivered freely, and with as much ſpeed and commodity as the ſame may be done.

7. ITEM, It is covenanted and concluded, That during the Peace and Amity by the Comprehenſion aforeſaid, neither of the Princes aforeſaid by any means ſhall receive, or permit by their Subjects to be received, any Murtherers, Thieves, Robbers, Run-a-ways, Rebels, or any other evil Doers whatſoever, which do decline unto any Place from the natural Obedience of their Prince; But within Ten days next, and immediately following after, that one of the ſaid Princes hath been required by the Letter of the other Prince, of the which ſuch Murtherer, Thief, Robber, Rebel, Evil-doer, or Malefactor, is Subject, or by his Gardian.

dian, Lieutenant or Deputy, he ſhall deliver, or cauſe to be delivered, to the bringer of ſuch Letter or Requeſt, or to any other ſpecially named or deputed in the ſaid Letters, the ſaid Murtherers, Thieves, Robbers, or Evil-doers.

PROVIDED, that by this Article be not underſtood to be comprehended and bound (but ſhall be excepted) thoſe Subjects of both Princes aforeſaid, which (by reaſon or cauſe of the late Wars) favouring the Parties of the ſaid Princes, adjoined themſelves to them.

8. ITEM, It is covenanted, concorded, and concluded, by the Orators aforeſaid, That no Letters of ſafe Conduct from henceforth ſhall be Granted, or by any means promiſed by any of them, to the Rebels of any of them; To Men of War, Merchants, Artificers, or to any other the Subjects of any of them, of what Eſtate, Dignity, or Condition ſoever he or they be of, under the Great and Privy Seals, of both or either of them, nor by word of Mouth, or other ways, by Land or by Sea, during the Peace and Amity aboveſaid; unleſs the one of them by the other be expreſly required thereunto by writing. AND, in caſe from henceforth, the one of the ſaid Princes hath required the other by writing, to grant ſuch Letters of ſafe Conduct to any of their Subject or Subjects, it ſhall be notwithſtanding at the Liberty of the Prince ſo required, whether he will or not, grant any ſuch Letters of Safe Conduct. And it may ſeem beſt to that Prince ſo required, whether it be expedient, that ſuch Letters be Granted or not. So that ſuch Letters of Safe Conduct be granted to endure but for the ſpace of One whole Year. PROVIDED, That ſuch Letters of Supplication of the foreſaid Princes

Princes may have ſtrength, that the Lieges and Subjects, named in the ſame, may freely and ſafely return again to his or their Realm, of what Eſtate, Dignity, or Condition ſoever they be of: And if the Prince ſo required will not grant the ſaid Letters of Safe Conduct, the Letters of Safe Conduct before that time granted ſhall remain in full force.

9. ITEM, It is covenanted and concluded, That ſuch Thieves, Robbers, and other Evil-doers whatſoever, of both the Kingdoms aforeſaid, during the ſaid comprehenſion, ſhall be Puniſhed in manner and form; that is to ſay, If from henceforth any Subject or Subjects of the Kingdom of *England* do violently kill any Subject or Subjects of the Kingdom *Scotland*, the Warden of the Marches of the Kingdom of *England* aforeſaid, or his Deputy or Deputies, with all care and diligence, all fraud, favour, male-ingine, and guile, ſet apart, ſhall proſecute (and every of them ſhall follow and proſecute) that ſuch Murtherer or Murtherers may be taken and brought by the Wardens of both Marches or their Deputies, to the day of *Trewes*, to be Aſſigned by the ſaid Wardens; where, if he or they be lawfully Convicted by the *Laws of Marche*, then the Warden of the Marches of *England* ſhall deliver or cauſe to be delivered ſuch Murtherer or Murtherers, ſo Convicted, to the Warden of the Marches of *Scotland*, to be puniſhed by Death.

AND, if it happen from henceforth any Subject or Subjects of the Realm of *Scotland* violently to kill any Subject or Subjects of the Realm of *England*, within the Marches of *England*, or the Marches of *Scotland*, the Warden of the Marches of *Scotland* aforeſaid, or his Deputy or Deputies, with

with all care and diligence, all fraud, favour, and male-ingine ſet apart, ſhall follow (and every of them ſhall follow and proſecute) that ſuch Murtherer and Murtherers may be taken, and that they may be brought by the Wardens of both the Marches, or their Deputies, to the *day of Trews*, by the ſaid Wardens or their Deputies to be appointed; Where if by the *Laws of March*, he or they be lawfully Convicted, then the Warden of the Marches of *Scotland* ſhall deliver, or cauſe to be delivered, ſuch Murtherer or Murtherers as aboveſaid, ſo convicted, to the Warden of *England*; which Warden of *England*, the ſame Murtherer or Murtherers, ſo as aboveſaid convicted, aſſigned, and delivered as a Murtherer, ſhall puniſh by Death.

10. ITEM, It is covenanted and concluded, That if any the Subjects of the Princes aforeſaid, have ſtolen any thing, or things, or committed any Attempts within the Marches or Land of the other Prince aforeſaid; and, after the ſaid Theft ſo committed, flying, doth return to the Marches or Land to whom he is ſubject, it ſhall be lawful for him, againſt whom it hath been ſo done and attempted, freely (within ſix days, to be accounted from the time of the ſaid Fault ſo committed or attempted) by authority of this preſent Ordinance and Treaty, without any other Letter of Safe Conduct, to follow the ſame Offender, and (him ſo following) to enter ſafely and ſurely the Marches or Land into the which the ſame Evil-doer is gone; ſo that ſo ſoon as he hath enter'd the ſaid Marches or Land for that cauſe, he go unto ſome honeſt Man, being of good Name and Fame, inhabiting within

in the Marches which he hath enter'd, and declare unto him the Cauſe of his Entry: That is to ſay, to follow his Goods ſtolen; and ſhall declare what Goods or Things he hath been ſpoiled or robbed of; and further, ſhall require the ſame, That, ſo long as he ſhall make the ſaid Search, he go with him; that he may, when he ſhall be thereunto required, upon the ſame, give Teſtimony of Truth of his Behaviour in time of his ſearch.

11. ITEM, It is Covenanted, That foraſmuch as hitherto the Inhabitants of the Marches aforeſaid, with great numbers of Men have been accuſtomed (not only ſecretly and privately) to cut down other Mens Trees, and to carry them away, to the uſe of their Houſes, without the good-will and conſent of the Owner thereof, which hath been a Matter of Diſſention and great Diſcord upon the BORDERS; Therefore, to remove all Occaſions of Contention, it is concluded, That from henceforth no Subject of the Princes aforeſaid, dwelling either in the Marches aforeſaid, or in the *Debateable Ground*, or in any other place elſewhere, ſhall commit or do ſuch, or the like things, or ſhall conſent to be done or committed: Nor ſhall cut or carry away any Trees or Wood whatſoever, out of the Marches of either Prince, by any means or colour, except that he or they have covenanted and agreed with the Owner thereof for the ſame; and, if any thing hath been done or committed contrary to the Premiſſes, it ſhall be reformed, as attempted contrary to the Form of this preſent Treaty.

12. ITEM, it is concluded, covenanted and agreed, That the Fugitives of *Scotland* (which have become the Lieges of the King of

of *England*) ſhall be bound, on the behalf of *Engliſhmen*, to obſerve the Articles of the preſent Treaty; and that the Attempts by them committed on the Subjects of *Scotland* ſhall be reformed by the ſame ways as the Attempts be redreſſed by the Original Subjects of the King of *England*: And the ſame in all things to be obſerved on the behalf of the Queen of *Scots*; if any *Engliſhmen* before this time, by any Means, have become the Lieges of the Queen of *Scots*.

13. ITEM, It is covenanted and agreed, That if any Subject of either of the Princes aforeſaid, hath ſuſtained any Robberies or Spoils by the Subjects of the other Prince, and by his own Authority hath made for the ſame other Robberies or Spoils, or taken diſtreſs of Men or Goods in the ſelf-ſame Act, he ſhall looſe his Cauſe, and yet nevertheleſs ſhall be puniſhed according to the deſert of his Treſpaſs.

14. ITEM, It is covenanted and agreed, during the Peace and Friendſhip of the Comprehenſion aforeſaid, That if it happen any of the Subjects or Lieges of either of both the ſaid Princes aforeſaid, ſailing by the Sea (for any manner of juſt, reaſonable or lawful Cauſe) whether they be Merchants or Pilgrims, Fiſhers or other of whatſoever Condition, to arrive into any Part or Place whatſoever of the Kingdoms of the other Prince, by violence of Tempeſt, or any other reaſonable or urgent Cauſe compelling them to do the ſame, when they neither affected nor coveted the ſame, neither purpoſed it in the time of their departure out of their Country; or to ſuffer Shipwrack, ſo that any human Perſon in that Ship, ſo ſuffering Shipwrack, be living; it

ſhall

ſhall not be lawful to any of the Princes, or to any of their Subjects or Lieges, by themſelves, or either of them, ſo arrived or ſuffering Shipwrack, to take out of the Ships, Goods, Merchandiſe or any other thing ſo brought, or to detain by any Means from the ſame ſo arrived or ſuffering Shipwrack, to arreſt, or cauſe to be arreſted, by reaſon of any Perſons Debts, the ſame Things, Goods or Merchandiſe: But it ſhall be lawful to the ſame ſo arrived or ſuffering Shipwrack, to depart with their Goods, Ships, Merchandiſe and other Things, after that they have amended their Ship, as ſhortly as they may, without impediment of any Lett, Arreſt, or any other Thing or Occaſion whatſoever to be done unto them by either of the ſaid Princes, or their Subjects.

15. ITEM, It is covenanted and concluded, That if any of the Subjects or Lieges of the one Prince, ſo arrived as aforeſaid, come to the Kingdom of the other Prince, under ſafe Conduct, and before the Day of the Expiration of his or their ſafe Conduct, be ſo vehemently ſick, and vexed with Sickneſs, that the ſame (ſo arriving or ſuffering Shipwrack, or coming with Safe Conduct with his or their Ship or Ships, with the which they arrived before the Day of the Expiration of their Letters of Safe Conduct) cannot without Loſs return into their Country again. Then it ſhall be lawful to him or them, ſo arrived or ſuffering Shipwrack, or falling ſick, ſafely, ſurely, and without hurt, to tarry and to continue in that place, in the which it chanced him (ſo arriving or ſuffering Shipwrack) to fall ſick, until he or they be amended; and from thenceforth it ſhall be lawful for the ſame,

ſame, with Letters of Teſtimonials to be granted and delivered him (for a reaſonable Sum of Money) by the Mayor, Bailiff, Conſtable or any other Officers of the King, where it may happen him or them ſo to be ſick, to depart into their own Country: And the ſaid ſick Men ought to depart without lett, trouble or vexation to be made unto them, by any of the Subjects of either the ſaid Princes: So that in the mean time they, nor any of them, attempt, procure or do any thing prejudicial to either of the ſaid Princes, their Kingdoms and Subjects.

16. FURTHERMORE, It is covenanted and concluded, That if during the Amity by the Comprehenſion aforeſaid, it ſhall chance any Stranger (being no Subject to either of the ſaid Princes) to take the Ship, or Ships, Perſon or Perſons, Thing, or Things, Merchandiſe, Goods, or whatſoever, from the Subjects of either of the ſaid Princes, and thoſe hath brought into any Place or Port ſubject unto either of the ſaid Princes, it ſhall not be lawful for the ſaid Prince, or for any of his Lieges or Subjects, to buy them, or any part of them, or to receive them by any Means to his Profit, without the Conſent of him or them (or their Factor) to whom the Goods or ſuch Things, before they were taken, did rightfully appertain: And if the Merchant or Owner of thoſe Goods (or his Factor) be not preſent, then it ſhall be lawful and ſufficient to have leave of the Maſter, Leader or Governor of the Ship before the taking, and alſo other preſent being in the ſame Ship. If any thing be attempted or done to the contrary of this Ordinance, then the Perſons, Goods, Merchandiſe or other things whatſoever,

ever, ſo bought or received, ſhall be wholly reſtored (by ſuch Buyers or Receivers) to him or them to whom ſuch Goods did truly appertain. AND even ſo they muſt be reſtored, as if they had been taken by the Subjects of that Prince in whoſe Kingdom ſuch things had been Bought. And nevertheleſs the Party that hath attempted the ſame ſhall be puniſhed as a violator or breaker of this preſent Treaty, according to the Manner and Quantity of his Crime.

17. ALSO, It is covenanted and concluded, during the Comprehenſion aforeſaid, That, if it chance any thing of either the Parties aforeſaid, ſuffering Shipwrack, to be broken, (and ſome of the Perſons being in the ſame Ship, and remaining alive) without Fraud or Male-engine. The Merchandize, Goods, and Things whatſoever, which be caſt forth, or drawn out of the ſame Ship, or gathered in the Sea, or come to Land, or otherways ſaved and preſerved by thoſe to whoſe Hands ſuch Merchandize and ſuch Things have come; ſhall not be waſted, diminiſhed, alienated, divided, or by any Means withdrawn or concealed. But wholly without diminiſhing, the ſame ſhall be delivered to the Uſe and Profit of him or them, to whom theſe Goods (the truth being known) did appertain, to be faithfully kept; to whom (within the ſpace of one Year, from the time of the News of the Shipwrack, or Breach of the Ship, to be accounted) it ſhall be lawful, for the Recovery and Reſtitution of the Things, Merchandiſe, and other Goods, to follow by a competent Judge in that behalf. To whom ſo following, really and with effect, they ought to be delivered and reſtored,

paying

paying reaſonable Expences and Charges, made about the Collecting and Saving of the ſaid Goods.

PROVIDED always, That the Perſon and Perſons ſo being left alive, and coming from the ſaid Ship to Land, ſhall be delivered forthwith freely; according to the Effect and Tenor of theſe Preſents.

18. ITEM, It is concluded, That, during the ſame Comprehenſion, if any Ship of the one Part or the other, arrive into any Port or Haven, or other Place of the Parties aforeſaid, being laden with Men, Things, Goods, Merchandiſe, or being broken, or to buy Victuals, (Neceſſity compelling them thereinto) for the amending whereof it behoveth them to unlade the ſame Ship, and to ſet on Land the Men, Things, Goods, and Merchandize, contained in the ſame: *In this Caſe*, the Men, Things, Goods, and Merchandiſe, ſo laid on Land, without any Impediment, or Payment of Cuſtom, ſhall be laid in the ſame Ship again ſo amended, or be fraughted in another, and freely ſuffered to depart. PROVIDED, That ſuch Sums of Money be truly contented and paid for the Cuſtoms of the Wares, Goods, Things, Merchandize, and other Neceſſaries, there ſold for the buying of Victuals; and for the Number of Perſons.

19. ITEM, For becauſe that the Subjects of the one Party ſailing by the Seas be impeached oft-times from their Courſe, and ſuffer Loſſes, for that the Subjects of the one Party have notice (by Cocket, or by other ſufficient and evident Means) that they be Subjects of the other Party, and be compelled to let down or wholly to ſtrike their Sails. Among

mong us the Commiſſioners it is concluded, That it ſhall not be lawful to any of the ſaid Subjects of the one Party, or of the other, to let or hinder any of the other Party ſailing, (ſo that it may be evident by ſuch Cockets and Proofs, that the Ships and Goods be the Subjects of the other Party,) or compel them to ſtrike Sail, or let them in their lawful Courſe: And if any do the contrary, they ſhall be grievouſly and ſeverely puniſhed.

20. ITEM, It is covenanted, agreed, and finally concluded, and withal ſpecially provided, That no pretence or colour of any Article, Clauſe, or Sentence, contained in this preſent Treaty, be any thing derogated, diminiſhed, contradicted, diſpenſed, or againſt ſaid to the former Treaty of perpetual Peace made between the King's Majeſty of *England*, and the *French* King, the xxivth Day of *March*, One thouſand five hundred forty nine; nor any Article, Clauſe, or Sentence thereof; but that the ſame ſhall be in full ſtrength and force obſerved, in all thoſe it ought to be obſerved, as though this Treaty had never been made. And that, within ſix Days after the date of this preſent Treaty, the King's Majeſty of *England*, (after he ſhall be required by the *Scotiſh* Queen's Commiſſioners) ſhall make out his Letters Patents of Confirmation of the ſame, under the Great Seal of *England*, and deliver the ſame accordingly.

AND likewiſe, the Queens Majeſty of *Scotland* (after ſhe ſhall be required by the King's Majeſty of *England*) ſhall make out her Letters Patents of Confirmation of the ſame, under the Great Seal of *Scotland*, and deliver the ſame accordingly.

Com-

Commiſſioners for England.

Thomas Biſhop of *Norwich.*
Robert Bowes.
Leonard Beckwith.
Thomas Challoner.

Commiſſioners for Scotland.

Robert Biſhop of *Orkney.*
Robert Lord *Maxwell,*
Thomas Maſter of *Askinne.*
Lewes of *St. Gelaſſe.*

QUEEN MARY.

1553.

THIS INDENTURE made the Fourth Day of *December*, in the Year of our Lord God, One thouſand five hundred and fifty three, between Sir *Thomas Cornwalles* and Sir *Robert Bowes* Knights, Commiſſioners for the Queen's Highneſs of *England*; and Sir *Robert Carnagie* and Sir *John Ballendine* Knights, Commiſſioners for the Queen's Highneſs of *Scotland*; either of the ſaid Parties being ſufficiently authoriſed and furniſhed with the Commiſſions of their Sovereigns. Interchanged at the Enſealings hereof, and Annexed to the ſeveral Parts of theſe Indentures, as appeareth; WITNESSETH, That, for the good of Peace, Reformation of Diſorders, and better Maintenance of Quietneſs and good Rule upon the *Marches* of both the ſaid Realms,

IT is by the Commiſſioners, at the making hereof, deviſed, condeſcended, agreed and

and ordered, as hereafter appears by theſe Preſents: *That is to ſay*, That the Wardens of the Marches of either the ſaid Realms, ſhall keep their Conventions and Days of Trewes at Places convenient and accuſtomed, or otherwiſe between them to be agreed upon, and ſo to proceed in the Adminiſtration of Juſtice to every Complaint, without any delays, until ſuch time as every Complainer's Bill for Offences done, ſince the laſt Acceptation of Peace, ſhall be fully anſwered and redreſſed, according to the virtue of the Treaties, Trewes, Laws and Cuſtoms, of the Borders. And becauſe it appeareth to the ſaid Commiſſioners, That, by negligence and default of Officers, there be preſently a great Number of Attempts unlawfully committed within the Eaſt and Middle Marches of both Realms, by the Subjects of the oppoſite Realm, not yet redreſſed: ALTHOUGH, ſince the firſt meeting of the ſaid Commiſſioners, there have been a great Number of Bills of either of the ſaid Parties filed and delivered.

1. THEREFORE, for a more ſpecial Expedition of Juſtice, between the ſaid Wardens of the ſaid Eaſt and Middle Marches of either of the ſaid Realms, it is ordered and deviſed, That all Attempts and Complaints done within the ſaid Marches, ſince the Acceptation of Peace, ſhall be inrolled by the Warden of the March where the Complainant doth inhabit; and the ſaid Rolls ſhall be ſent to the oppoſite Warden, anſwerable to the ſame: And the Warden ſhall receive the ſaid Roll, and ſhall do his uttermoſt Power and Endeavour to ſpeire, ſearch, and enquire the Truth and Verity of theſe Attempts, contained in the ſaid Complaints; and

and to cauſe ſuch Perſons, as be there complained upon, to be arreſted by his Sergeant, to anſwer thereunto, if they be preſent.

And, if they then ſhall happen to be abſent, then they are to be arreſted; to anſwer at the next Day of Trewes. Where and when, the Warden and the Aſſize ſhall either file the ſaid Bills, or give another Lawful Anſwer at their next Meeting, after the Laws and Cuſtoms of the Marches: whereof Six to be of the ſaid Wardens Appointment, and the other Six to be appointed by the ſaid Complainant, or ſuch as do follow the Bill.

2. AND moreover, it is agreed, That, for ſuch as have been or ſhall be fyled by any of the Wardens, and no lawful Deliverance or Recompence made for the ſame;

The Wardens of both Marches (at the next day of Trewes enſuing or following the Fileing of the ſaid Bills) ſhall make Deliverance of ſuch other Perſons, by the Aſſent of the Oppoſite Warden; as he will undertake to be ſufficient for the ſaid Bill. The Perſon ſo delivered, to remain with the Party offended until he be fully ſatisfied, and lawfully and fully redreſſed, according to Juſtice, and the Laws of Marches.

And alſo that in this Form of Proceeding between the Wardens, either Warden ſhall anſwer to other like Number of Bills, ſo long as both Parties have cauſe to complain: And, if the one Partie ſhall have more cauſe to complain than the other, then ſuch Bills as remain to be nevertheleſs fully anſwered in form aforeſaid, without Fellowes.

3. ITEM, It is agreed between the ſaid Commiſſioners. That Bills of Complaint for Attempts, that have been done or ſhall be committed during the Time of the Conven-

tion of the ſaid Commiſſioners; (that is to ſay, from the Sixth day of *November*, unto the Enſealing hereof) ſhall be likewiſe anſwered unto in form aforeſaid, without Fellowes.

4. ITEM, Foraſmuch as the ſaid Commiſſioners intend not by theſe Preſents to make Abrogation or Alteration in time coming of the Old Laws and Cuſtoms in Fileing Bills, by the Wardens of both Realms, but that the ſame ſhall remain in the ſame Sort, Integrity, and Force, for the redreſſing of all Attempts hereafter to be done and committed, as hath been before uſed. They do therefore declare, and ſpecially order, That the Special Order before demiſed, for the Filing and Acquitting of Bills upon the Honour of the Warden, ſhall only extend to ſuch Bills containing Offences as have been committed ſince the Acceptation of the laſt Peace, and before the Date of theſe Preſents.

5. ALSO, it is further provided and agreed by theſe Preſents, That if it ſhall happen any of the Wardens of either Realm, in Default of Knowledge, to acquit any Bills or Bill upon his Honour in form aforeſaid, which is indeed Foole,

It ſhall nevertheleſs be lawful to the Complainant to purſue a New Bill again, requiring Juſtice to be done to him for the ſaid Attempts, upon better Information and Knowledge unto the ſaid Warden, or any other ſucceeding in that Office;

And that Juſtice be done to him for the ſaid Attempts, upon his ſaid Second Complaint by an Aſſize and lawful Proof, to be had and received, and thereupon his Bill to be filed or acquitted, after the Laws and Cuſtoms of the BORDERS heretofore uſed, notwithſtanding

ing the ſame Bill was once acquitted by any Warden upon his Honour in form aforeſaid.

6. AND, Whereas there was no ſmall Controverſie depending between the Inhabitants of *Seaton* and other *Scotſmen* dwelling thereabout, as well for Sheep and other Cattel, taken (the 24*th* of *June* laſt) by *Cuthbert Muſgrave*, *John Hall*, and others, within the Realm of *England*, as they ſuppoſe; and alſo for other Sheep taken (the ——day of the ſaid Month of *June*) by *Thomas Clavering* and other Servants of Mr. *Ralph Grey*, Warden of the *Eaſt* Marches of *England*, within the Realm of *England*, as they ſuppoſe, the moſt part of which Sheep and Cattel the ſaid *Scotſmen* ſuppoſe and alledge to be taken within the Realm of *Scotland*; which the ſaid Commiſſioners weighing, and thereupon diſcreetly conſidering, have compounded and ordered the Lord *Eures*, Lord Warden of the Middle Marches, ſhall cauſe Delivery or Recompence to the Value of all ſuch Cattle and Sheep as were taken by the ſaid *Cuthbert Muſgrave*, *John Hall*, and other their Complices, at that time, extending to a Number contained in a Bill ſubſcribed by us the foreſaid Commiſſioners, to be made to *George Kerr* of *Gateſhaw*, *Richard Daviſon*, and others, the Owners of the ſame; on this ſide, and before the Purification of our Lady, next coming: And, if any Controverſies or Differences fall in delivering of the ſaid Goods, for Price or Value of the ſame, ſuppoſing they be not ſo good as they were at the time of the taking; then the ſame ſhall be ordered, directed, and ſet down by Sir *John Forſter* Knight, and *Robert Collingword*, *Engliſhmen*; Sir *Walter Kerr* of *Ceſford*, and Sir *John Hume* of *Kowdenknows*, Knights, *Scotſmen*; indiffe-

rently appointed by both the ſaid Parties. And, in like manner, the ſaid Mr. *Ralph Gray*, now Warden of the Eaſt Marches, ſhall cauſe delivery to be made of all the Sheep taken by the ſaid *Thomas Clavering*, and other his Servants, as before, in as good ſtate and value as they were at the time of the taking thereof, or elſe a ſufficient recompence for the ſame on this ſide the foreſaid Feaſt; allotting and rebating to the ſaid Mr. *Ralph Grey*, the ſum of Twenty Shillings Sterling, in the manner of a Parkadge; for that the ſaid Sheep (as he ſuppoſeth) were kept and depaſtur'd upon his ſeveral Grounds at *Mindrum*. And if any Controverſie ariſe, in the Number, Price or Value of the ſame Sheep, for the Number the Owners to be ſworn, and the Compoſitors to order the Price or Value of the ſaid Sheep, as they ſhall think reaſonable.

7. ITEM, For avoiding ſemblable Attempts in time to come, it is agreed and ordered, between the ſaid Commiſſioners, That the Inhabitants of the ſaid Realms ſhall feed and depaſture their ſaid Cattel within the Limits and Bounds of their own Realm: And if any Inhabitants of either the ſaid Realms, willingly and cuſtomably, depaſture and feed with his Cattel or Sheep, or ſtaffherd the ſame, within the Bounds of the other Realm, it ſhall be lawful for the Owner of the Ground ſo depaſtured, or to the Warden of the Marches in his default, to cauſe the ſaid Cattel to be taken and impounded, and in Pound kept, until the Owner thereof ſhall have paid (at the firſt time) for every Cattel or Nolt a Penny Sterling, and for every Sheep a Penny *Scots*.

And, if upon any deliverance thereof, the party will not reform his wrong depaſturing, but

but eftſoons (of new) attempt like Injury in depaſturing or feeding his Cattel or Sheep, within the others Realm, then it ſhall be lawful to the Owner, or Warden, as aforeſaid, to cauſe the ſaid Cattel or Sheep to be taken and impounded, and ſo to be kept, till he have a double Parkadge after the rate above-writt; and ſo, upon the iterating and continual new offending again in depaſturing within the other Realm, it ſhall be lawful to the Owner continually to cauſe the Cattel ſo offending to be taken and impounded, and ſo kept, until he be ſatisfied of a double Parkadge, until the Parkadge extend for every Noult to Two Shillings Sterling, and for every Sheep to Six Pence Sterling, and no higher; but that to ſtand unto the beginning of a New Year's Day (that is to ſay, the firſt Day of *January*) after the firſt Parkadge.

And, after the New Year's Day, to begin the Parkadge of every Noult a Penny Sterling, and every Sheep a Penny *Scots*; and for the next Parkadge, the double of the firſt, and ſo to extend until the ſum amount to the foreſaid ſum of Two Shillings Sterling for every Nolt, and Sixpence Sterling for every Sheep, and no higher; but there to ſtand until another New Year begin, and continue until ſuch Offenders ſhall be compelled (by occaſion of diſtreſs, and the charge of ſo great and grievous Parkadge) to keep his Cattel within the Limits and Bounds of his own Realm; and not wrongfully to depaſture or feed his Cattel within the other oppoſite Realm, to the incroaching of the Ground thereof, and diſinheriting of the Owner thereof.

8. AND it is further ordained and agreed by the ſaid Commiſſioners, That the Lord

Hume (his Heirs and Aſſigns) ſhall hereafter have and enjoy the Fiſhing in the Water of *Tweed*, near to the Caſtle of *Norham*, called *Hallywell*, after ſuch like manner and form as other *Scots* Fiſhings be, or have been lawfully uſed within the Water of *Tweed*, without interruption or any impediment of the Captain of *Norham*, or any other *Engliſh* Party; ſo that always the ſaid Fiſhing, or other occupying the ſame, with the Boats of the ſaid Fiſhing, do not procure to be done any thing to the damage or hurt of the Caſtle of *Norham:* But only to fiſh one Night and one Day in rightful manner.

Moreover, *Richard Bowes*, Eſq; now Captain of *Norham*, ſhall (within Forty Days next after the Date hereof) pay, or cauſe to be paid to the ſaid Lord *Hume*, or his Aſſigns, for the Profits of the ſaid Fiſhing by him taken ſince the laſt concluſion of this Peace and Trewe between the ſaid Realms, Thirty Three Pounds, Six Shillings and Eight Pence Sterling Money.

9. AND whereas alſo there hath been ſome Controverſie between *Alexander Hume* of *Maderſtown*, *Scotsman*, and *John Sellby* of *Twizzell*, *Engliſhman*, for a Fiſhing which the ſaid *Alexander* poſſeſſed and claimed in the right of the Prioreſs of *Caldſtream*, as a Patrimony of that Houſe, and the ſaid *John Sellby* claimed a part thereof upon the *Engliſh* ſide, as appertaining to the Town of *Twizzel:* It is, upon proofs and examination thereon, taken before the ſaid Commiſſioners, and by them ordered and directed, That the ſaid *Alexander Hume*, now was as Farmer to the ſaid Prioreſs of *Caldſtream*, and that the ſaid Prioreſs (her Succeſſors and Aſſigns) ſhall peaceably uſe, poſſeſs and enjoy the ſaid Fiſhing (called *Tyne-mouth-Haughe* Fiſhing) as a *Scots* Fiſhing, without trouble

trouble or moleſtation of the ſaid *John Sellby*, or any other Owner, Poſſeſſor or Inhabitor of the ſaid Town of *Twizzell*, ſaving that it ſhall be lawful to the ſaid *John Sellby*, and others, having the ſaid Title of *Twizzell*, to uſe and occupy a Ring-Net, and to ſtand only on a place called *Fylliſpotte*, upon the South ſide of the ſaid Water.

10. ITEM, It is concluded and ordered, That if any the Subjects of both Realms unlawfully trouble, ſtop or make impediment, to the Subjects of the oppoſite Realm, in his or their fiſhing in the Water of *Tweede*, ſo that he may not thereby uſe and fiſh his Fiſhing according to the virtue of theſe Trewes, That it ſhall be lawful to the party grieved, to give in his Complaint to the Warden of the Marches where the Offender is dwelling; which Warden ſhall cauſe the ſaid Offender to be attached to the *day of Trewes*, where if the ſame Offender be fyled of the trouble and impediment, making in manner aforeſaid, he ſhall be ordained to pay, for every Tyde that he maketh impediment unto the party complainent, Twenty Shillings Sterling, and be therefore delivered to remain with the party grieved, untill the ſame be fully ſatisfied.

11. ITEM, It is alſo, for the better continuance of the Peace and Trewes between the ſaid Realms, agreed and ordained by the ſaid Commiſſioners, That for any Murther or Slaughter hereafter to be perpetrated and committed by the Subjects of either Realm, that upon complaint thereof made to the Warden of the Marche where the Offender inhabiteth, like Proceſs, Commiſſion and Execution, ſhall be (with all expedition) made, done and miniſtred, as in the Treaty of Peace for ſuch Attempts, is provided and contained; and according to the

ancient Laws and Cuſtoms of the Borders: Having experience that the negligent omiſſion of Officers, in executing and performing the ſaid Laws in that Point, hath been the occaſion of ſuch great Enormities and Diſorders of both Realms.

12. ITEM, It is alſo further condeſcended and agreed between the ſaid Commiſſioners by theſe Preſents, That if hereafter any of the Subjects of either Realm, ſhall unlawfully bodily hurt or wound any of the Subjects of the other Realm, the perſon or perſons ſo hurt or wounded, ſhall make a Bill of Complaint upon the perſons ſo offending them at the *days of Trewes*; and the party Offender to be arreſted to anſwer ſuch Bill, and be compelled to anſwer thereto after like manner as is uſed for Robbers, Thieves and Spoilers; and ſuch like proof and Tryal to be had, of every behalf, until either the Bill be acquitted or fyled, and the Damage thereof to be ſet down by ſix Gentlemen of Worſhip and Good Name of *Scotland*, to be named by the Warden of *England*; and other ſix like Gentlemen of *England* to be named by the Warden of *Scotland*; and by the diſcretion of both the Wardens or their Deputies, then being preſent, and the Damage ſo being ſet and eſteemed to be two doubles, as in caſe of Theft and Spoil is uſed, and deliverance to be made to the Warden of the Marche where the party grieved inhabiteth, to be kept with him until redreſs be made thereof accordingly.

And if the party ſo hurt and wounded be mutilate and maimed, the Warden where the Offender inhabiteth ſhall be bound thereby to do his uttermoſt diligence (without Fraud, Favour or Deception) to apprehend the ſaid Offender, and to deliver him to the Warden of the

the oppoſite Marche, to be puniſhed by him in ſtrait Priſon (by the ſpace of ſix Months) for the ſame Offence.

13. AND if hereafter any of the Subjects of either of the ſaid Realms ſhall wilfully or maliciouſly raiſe Fire within the other oppoſite Realm, in burning of Houſes, Corn or Hay in Stacks, the Perſon or Perſons ſo offending, being lawfully thereupon filed, ſhall not only anſwer to the other party thereby, to all his Damages cauſed by the ſaid Fire, with a double and *ſawſey*, according to the Laws and Cuſtoms now uſed in the Borders of both Realms; but alſo the Warden of the Marches where ſuch Offender or Offenders do inhabit, ſhall do his uttermoſt diligence (without Fraud, Favour or Deceit) to apprehend ſuch Offenders, and to deliver him or them to the Warden of the Marche where the Offence was done, to be grievouſly puniſhed (by the ſpace of ſix Months) over and above the redreſs and ſatisfaction of the party grieved.

14. AND becauſe alſo the *(a) Baugbling* and Reproving at the Aſſemblies of Juſtice between the ſaid Realms, giveth great occaſion of further Trouble and Inconvenience:

Baugbling or Reproving.

It is agreed and ordered between the ſaid Commiſſioners, by theſe Preſents, That no Perſon or Perſons of either the ſaid Realms, ſhall, at any Day of Trewes, or other Convention or Aſſemblies between the Officers of both the ſaid Realms, bear, ſhew or declare any ſign or token of Reproof or *Baugbling* againſt any Subject of the oppoſite Realm, unleſs he be thereunto licenſed by the Wardens of both the Realms: And if any attempt, or do

Puniſhment due for the ſame.

(a) i. e. Scolding or Wrangling.

contrary hereunto, the Offender in that behalf to be attach'd by the Warden of the Marches, and delivered to the other Warden of the oppoſite Marche, to be puniſhed by impriſonment at his diſcretion, by the ſpace of one Month; and nevertheleſs the ſaid Offender to forfeit and loſe his Cauſe and Matter, for that he (at an inconvenient time) baughled and reproved, and the other party to be therefore acquitted and diſcharged for ever.

15. AND finally, the ſaid Commiſſioners well perceiving (by experience) how that Perjury now uſed upon the Borders, moſt commonly is the root and Ground of the hindrance and perverting of all Juſtice, occaſion and cauſe of great Diſorders upon the Borders: For the reformation whereof, it is agreed and ordered by theſe Preſents, That if hereafter any of the Subjects of either the ſaid Realms, acquit himſelf by his Oath taken in Form of Law before the Wardens or their Deputies; and after be tryed and found foul, and guilty of the ſame Bill, whereof he ſo acquitted himſelf by his Oath, and thereupon ſhall appear plainly perjur'd to both the ſaid Wardens:

Perjury at Days of Trews.

Then (over and above the juſt Reward and Recompence of the Party grieved) the ſaid perjur'd Perſon ſhall be attached and taken by the Warden of the Marche where he inhabiteth, and delivered to the Warden of the oppoſite Realm, to be puniſhed (as a grievous Offender) by ſtrait Impriſonment during the ſpace of three Months; and at the next Day of Trewes, and after the ſaid three Months ended, the ſaid Offender ſhall be brought before the Wardens, or their Deputies, and there openly be denounced and proclaimed a Perjur'd Man; after which time he ſhall not be reputed to be a Man

Man able to give further Faith or Teſtimony in any Caſe or Matter.

16. AND if it ſhall hereafter happen any Perſon of any the ſaid Realms (unmeaſurably or outragiouſly) to ſwear the Number and Value of his Goods to be more and greater than of truth they were, to the great loſs and damage of the Adverſe Party, the Wardens of both the Realms, or their Deputies then preſent (without any hindrance, ſtop, or delay in Juſtice in any-wiſe) ſhall, and may take unto them Twelve of the moſt Worſhipful and Credible Perſons of both Realms, then being preſent, whereof Six of the Realm of *Scotland* to be of the denomination of the Warden of *England*, or his Deputy then preſent; and the other Six of the Realm of *England*, to be likewiſe at the denomination and appointment of the Warden of *Scotland*, or his Deputy then preſent; and the ſaid Wardens, with their Deputies, and the ſaid Twelve, ſhall have power (by virtue hereof) to moderate, diminiſh or qualifie the Number or Price of the Goods or Cattel ſo overſworn by the Party above rehearſed.

In witneſs whereof, we the Commiſſioners aforeſaid, have interchangeably to theſe Preſents ſubſcribed our Names, and ſet our Seals, the Day and Year firſt above written, at *Berwick* upon *Tweed*.

Commiſſioners for England.

Sir *Thomas Cornwalles*, } Knights.
Sir *Robert Bowes*, }

Commiſſioners for Scotland.

Sir *Robert Carnagie*, } Knights.
Sir *John Ballendine*, }

QUEEN ELIZABETH.

1563.

TO ALL Chriſtians to whom this preſent Writing indented ſhall come, *Henry Scroope*, Kt. Lord *Scroope* of *Boulton*, Warden and Keeper of the Weſt Marches of *England* againſt *Scotland*; Sir *John Forſter*, Kt. Warden of the Middle Marches of *England* againſt *Scotland*, *Thomas Gargrave*, Kt. Vice Preſident of the Queen's Majeſty's Council in the North-Parts, and *John Rookby*, Doctor of Law, and one of the ſaid Council; Commiſſioners, Orators, Embaſſadors and Special Meſſengers of the Moſt Excellent Princeſs, *Elizabeth*, (by the Grace of God) Queen of *England*, *France* and *Ireland*, Defender of the Faith, *&c.*

And *John Maxwell* of *Terregles*, Kt. Warden of the Weſt Marches of *Scotland*, and Sir *John Ballendine*, Kt. Juſtice Clerk of the Realm of *Scotland*, Commiſſioners, Orators, Embaſſadors and Special Meſſengers of the moſt Excellent Princeſs *Mary*, by the Grace of God, Queen of *Scotland*, Dowager of *France*, ſend Greeting, in our Lord God everlaſting.

FORASMUCH as both the ſaid Princeſſes, knowing the great Diſorders of their Subjects of all the Marches and Frontiers of both the Realms, which preſently (what by negligence of ſome Officers, and lack of due Execution of the Laws and Orders of the ſaid Marches of both the Realms, and by want of ſome more ſtrait Orders than heretofore hath been provided) be come almoſt to confuſion,

by

by multitude of Offences, and injurious Attempts, not redreſſable without great and extreme oppreſſion of very many Subjects of both Realms, to the weakning of the Frontiers; the which therefore for this time is, by the mutual Aſſent of both Princeſſes, qualified and born with, of their Princely Goodneſs, Zeal, and Favour towards their Subjects, to the end to reduce the Evil by Clemeney and Mercy, to Goodneſs and due Obedience, and to admoniſh them and all others, that from henceforth ſhall attempt to violate the good Peace and Amity of the ſaid Princeſſes and Realms, and the Laws, Order, and Agreements, deviſed for Preſervation thereof: That they ſhall be moſt grievouſly puniſhed, according to their Deſervings. For Redreſs whereof, it hath pleaſed the foreſaid moſt Godly Princeſſes, to cauſe us preſently to come together, commanding us to proceed not as Parties for the one Realm, but all to join indifferently together as Perſons equally choſen for both Realms, fearing God, and having Scope to reduce their Borders to ſome good Orders; and to conſent and agree to all ſuch things as are appertaining for the ſure Eſtabliſhment and Continuance of the mutual Love, Amity, and perpetual Peace, heretofore begun and contracted between the ſaid Princeſſes, and their Realms. Which we pray God the Father Almighty (of his Juſtice, Goodneſs, and Mercy, and for his Dearly Beloved Son Chriſt *Jeſus* our Saviour's ſake) for ever to confirm and preſerve.

WE therefore the foreſaid Commiſſioners, according to our bounden Duties, having met and come together at *Carliſle* in the Realm of *England*, the Sixth of this Inſtant *September*, and from thence having repaired to *Dumfries* in

in *Scotland*, and ſo continued unto this preſent Day. Firſt, calling to our Remembrance, that God is the Fountain of all Goodneſs, and that we can bring no good Thing to effect without his Mercy, Grace, and Aſſiſtance; have called upon his moſt Holy Name, humbly requiring him, according to his moſt loving Kindneſs, ſo to aſſiſt us with his Holy Spirit, that thereby we may always perform our Enterpriſe to his eternal Glory, and to the Honour, Pleaſure, and Common-weale of both the ſaid Princeſſes and their Realms. After long Reaſoning, and mutual Conference upon all and every one of the Articles following, we have condeſcended, agreed, and finally concluded in Manner, Form, and Effect, as hereafter followeth.

1. FIRST, It is concluded and agreed, That Redreſs ſhall be made upon all the Frontiers of both Realms, by the Officers thereof reſpective, every one within the Bounds of his Office, for all ſuch Murthers, Slaughters, Offences, and Attempts heretofore committed, as are contained in the Rolls, Writings, and Bills ſigned and ſubſcribed with our Hands, and delivered interchangeably by either of us Commiſſioners to the other, in Manner and Form as is more at large expreſſed therein; to the end that, by lawful Delivery of Offenders, and Puniſhment of Attempts paſt, the true Subjects of both Realms ſhall have juſt Occaſion to praiſe God for the Maintenance of Peace and Juſtice, and the Wicked (through fear and terror thereof) be moved to ceaſe and deſiſt from further offending in time to come.

Bills put to Oblivion.

2. ITEM, As concerning all other Offences and Attempts committed by any of the Inhabitants of the Marches of both the Realms, con-

contrary to the ſaid Treaty of Peace, and Amity of the Princeſſes, before the Tenth Day of this Inſtant, and not contained nor mentioned in the foreſaid Rolls, Writings, and Bills, ſubſcribed and mutually among us interchanged; the ſame to be put to perpetual Silence and Oblivion, and never to be renewed nor complained upon hereafter.

3. ITEM, For all Attempts that have been committed ſince the ſaid Tenth Day of this Inſtant, or ſhall happen hereafter to be committed by any of the Subjects of either Realm againſt the other; it is ordained, That the ſame ſhall be redreſſed by the Officers of the Offenders, according to the Laws, Treaties, and Ordinances before-named, and preſently now inſtituted, and that with all convenient ſpeed, and without delay. For Performance whereof, the Wardens of the Marches muſt keep their Days of Marche often, and in proper Perſon, ſo far as may be; and not by their Deputies, without juſt and great Occaſion: Nor ſhall not ſlip nor diſappoint any Day of Trewes appointed; ſo that (at the leaſt) every Month One Day of Trewes to be kept at every March by the Officers thereof, and oftner if need require; and at every ſuch Meeting, to keep there ſitting (day by day) until all former Attempts complained upon be fully ordered and anſwered, according to the Treaties: So that the ſaid Wardens ſhall not have reſpect to make Redreſs of Value for Value, or Bill for Bill, but for all Offences complained upon to them for the Zeal of Juſtice; and as they will anſwer to their Princeſſes, and in the preſence of God at the latter Day, when they ſhall give Account of their Miniſtration. *Day of Trewes.*

4. ITEM,

The Warden ſhall make oath to do Juſtice.

4. ITEM, That every Warden, at the Firſt *Day of Trewes*, hereafter to be holden by himſelf, ſhall (in the preſence of the Oppoſite Warden, and the Inhabitants of both the Marches) make a ſolemn Oath, and ſwear by the High God that reigneth above all Kings and Realms, and to whom all Chriſtians owe Obedience, That he ſhall (in the Name of God) do, exerciſe, and uſe his Office without reſpect of Perſon, Malice, Favour, or Affection, diligently, or undelayedly, according to his Vocation and Charge thar he beareth under God and his Prince; and ſhall do juſtice upon all Complaints preſented unto him, upon every Perſon complained upon under his Rule. And that, when any Complaint is referred unto him, to ſwear, fyle, and deliver upon his Honour, he ſhall ſearch, enquire, and redreſs the ſame at his uttermoſt power: And that, if it ſhall happen him in ſo doing to acquit and abſolve the Perſons complained upon as Clean and Innocent: Yet if he ſhall any ways get ſure Knowledge of the very Offender, he ſhall declare him foul of the Offence, and make lawful Redreſs and Delivery thereof, albeit the very Offender be not named in the Complaint. And this Oath of the Wardens not only to be made at the firſt Meeting hereafter to enſue, but alſo to be made every Year once ſolemnly, as aforeſaid, at the firſt Meeting after *Midſummer*, to put them in the better Remembrance of their Duties, and to place the Fear of God in their Hearts.

Oath of the Aſſizers.

5. ITEM, All ſuch Perſons as ſhall be adjoined to the ſaid Wardens, or be choſen upon any Inqueſt or Aſſize for the Trying Complaints, ſhall make in like manner one ſolemn Oath for the due Execution of their Duties.

6. ITEM,

6. ITEM, Albeit we, for the more ſpeedy Redreſs and Furtherance of Juſtice, do here ſtatute and ordain the Wardens to proceed upon all Complaints and Attempts, by ſpeiring, fyling, and delivering upon his Honour; together with Six honeſt and famous Men of that Wardenry adjoined to him for the Tryal thereof, to be named by the oppoſite Warden. *Speire, fyle, and deliver.*

Yet intend we not thereby to make Derogation or Aboliſhment of the Laws and Cuſtoms of the Marches, of old ordained and provided; but as well providing the Parties grieved to follow their lawful Trodd with Hound and Horn, with Hue and Cry and all other accuſtomed manner of freſh Purſuit, for the Recovery of their Goods ſpoiled, as otherwiſe to uſe the Order and Tryal of one Aſſize and lawful Inqueſt, adding of lawful Proof to be uſed at the Election and Choice of the Complainant. *Purſuit of hot Trodd.*

7. ITEM, Becauſe it hath been perceived of late, ſince the Order was begun by the Warden to ſpeire, fyle, and deliver, upon their Honour, that ſome ungodly Perſons have made Complaint, and billed for Goods loſt where none was taken from them, and ſo troubled the Wardens, cauſing them to ſpeire and ſearch for the Thing that never was done; *Complaint of Goods not loſt.*

IT IS THEREFORE ſtatute and ordained, in time to come, that all ſuch Perſons, ſo troubling the Wardens by Billing and Complaining without cauſe, ſhall be puniſhed as hereafter followeth, *viz.* He ſhall be delivered to the oppoſite Warden to be puniſhed, impriſoned, and fined for his Offence, at the Diſcretion of the ſame Warden whom he hath ſo troubled. *Puniſhm. due for the ſame.*

8. ITEM,

Every Lord ſhall make his Tenant, &c.

8. ITEM, It is thought expedient and neceſſary, for the Preſervation of the Subjects in good Order and Obedience, That every of the Princes Officers (of both Realms) ſhall take ſure and ſuch Order, within the Bounds of their Offices, that every Lord, Owner, Poſſeſſor, Officer, or Bailiff of the Ground wherein any Offender dwelleth; after that the Offender be arreſted, and Warning and Knowledge be given of the Offence to the Lord, Owner, Poſſeſſor, Officer, or Bailiff aforeſaid, ſhall endeavour himſelf to the uttermoſt of his Power, to make the Tenant, and Inhabitant of the Ground, to appear, and to be anſwerable to his Warden to any Complaint; So that the ſaid Warden thereby may be able to do juſtice and make lawful Anſwer and Redreſs to the Complainer, according to the Treaties of Peace. AND, if it ſhall happen the ſaid Lord, Owner, Poſſeſſor, Officer, or Bailiff, to be found negligent or culpable herein, it ſhall be lawful for his own Warden to charge him with the Redreſs of his Tenants Offence; always, except that he ſhall not ſuffer death for the ſaid Offence committed by his Tenant.

9. ITEM, It is thought expedient and agreed upon, That every Warden within his own Juriſdiction reſpective, ſhall take Care and Rule upon the Inhabitants under him, for to keep them under due Obedience, giving them ſo ſtrait Commandment and Charge as thereunto appertaineth.

Fugitives flying into the oppoſite Realm.

AND, If it ſhall happen any Perſon or Perſons to be diſobedient, eſcape, run away, and be fugitive, from any of the ſaid Wardens, the Warden ſo diſobeyed ſhall certifie the oppoſite Warden, requiring him to take, appre-

apprehend and deliver the Offender with all poſſible ſpeed; which Warden ſo required, ſhall be bound not only at the uttermoſt of his Power to ſearch for, to apprehend, and deliver the Offender being within his Juriſdiction; but alſo ſhall make Proclamation throughout his Wardenry by the ſpace of Six days after of the ſaid Fugitive, and ſhall ſo certify the other two Wardens of that Realm to proclaim the foreſaid Fugitive throughout all the Bounds of their Wardenry, within the Space of Six days after they be ſo certified, in the manner aforeſaid; to the end that none may pretend ignorance thereof, and excuſe themſelves thereby, when they ſhall be charged for their wilful Receipt of the aforeſaid Fugitive ſo proclaimed.

Proclamation for Fugitives.

Wilful Receipt.

AND if the ſaid Fugitive ſhall after that be received, kept, aided or comforted, by any Subject of that Realm, the ſame Subject ſhall be delivered to the Warden Complainant, and ſhall have the ſame Puniſhment that was due to the Fugitive, in caſe he do not preſent and deliver the Fugitive to ſuffer for his own Offence.

Receipt puniſhed.

10. ITEM, If it ſhall happen the foreſaid Fugitive to fly with his foreſaid Goods, and carry them into the oppoſite Realm; the Warden thereof, delivering the Fugitive to be puniſhed for his Offence, ſhall retain the Goods to himſelf, for his labour; And, if the Fugitive be not apprehended, then the Goods to be reſtored to the Warden of the Realm they came from, and to be Goods redreſſed as Goods unlawfully received againſt the Treaty of Peace.

Fugitives Goods.

11. ITEM, It is agreed, That, if the Fugitives of both the Realms ſhall join or keep to-

Purſuit of Offenders.

together, or if any Warden of either Realm ſhall require the other Wardens of the oppoſite Realm, or any of them, to take or ride upon the Rebels of both Realms, or of either Realm; That then the Warden or Wardens ſo required, ſhall, with reaſonable and convenient Power, be aiding and aſſiſting the ſaid Powers with ſuch convenient Numbers, and at ſuch Days and Places, as by the ſaid Wardens ſhall be agreed upon.

Warning given to the Fugitive to eſcape.

12. ITEM, If any Perſon ſhall give knowledge or warning to any Fugitive of the Coming or Purpoſe of the ſaid Wardens for their Apprehenſion, whereby any ſuch Rebel or Fugitive ſhall eſcape; that then every ſuch Offender to be delivered to the Warden complaining, there to be impriſoned for the ſpace of One Year, and to pay a Fine to the Value of all his Goods, and further to be puniſhed to the death, if the ſame be found expedient to the Wardens of both the Realms, for his Offence.

Raiſing of Fray, or bearing of Armour.

13. ITEM, If any Perſon of either Realm ſhall come within the other Realm, to make Shout or raiſe Fray, bear Armour, or with Force make any impediment to the Warden of that Realm, in the Execution of his Office, the Perſon ſo doing ſhall be reputed as a Publick Offender againſt the Treaty: So that, if he ſhall happen to be ſlain, hurt, or apprehended by the Warden of that Realm, he ſhall be ordered and uſed as a Subject of that Realm where he committed the Offence, without any Claim of the Prince or Officer of the Country from which he came. AND, if it ſhall happen the ſaid Offender to return into his Country, after the committing of the ſaid Offence, it ſhall be lawful for the Warden offended

offended to bill for him; and, being foul of the Crime, to be delivered to the Warden offended, to be puniſhed by him at his Diſcretion, and as a Subject of that Realm where he offended.

14. ITEM, If it ſhall happen the Warden of either Realm, for the apprehending of Fugitives, or Puniſhment of Offenders, in the execution of Juſtice, to purſue any Fugitive or Offender through the Realm where he beareth Rule unto the Marche, and the Fugitive or Offender flee into the oppoſite Realm, it ſhall be lawful to the ſaid Warden, to purſue the chaſe in hot Trodd, unto ſuch time and place as the Fugitive or Offender be apprehended, and to bring them again within their own Juriſdiction, to be puniſhed for that Offence, as appertaineth; and that without let, trouble, or impediment, to be made or done unto him by any of the Inhabitants of that Realm wherein he purſueth. And, if any Perſon or Perſons ſhall make reſiſtance, let, or impediment, to the ſaid Warden in the foreſaid purſuit, he ſhall be billed for, and delivered to the Warden whom he offended, to be puniſhed for his Offence at the diſcretion of the ſaid Warden: And, in the following of the ſaid Chaſe in manner aforeſaid, it is thought convenient and ordained, That the purſuer ſhall, at the firſt Town he cometh by of the oppoſite Realm, or to the firſt Perſon he meeteth with, give knowledge of the occaſion of his Chaſe, and require them to go with him and aſſiſt him in the ſaid purſuit. *Purſuing of hot Trodd.*

15. ITEM, If it ſhall happen the ſaid Warden, purſuer, or any of his Company, to do injury or unlawful harm within the oppoſite Realm, in the time of their being there,

there, the Offender ſhall be delivered to the oppoſite Warden, to be tried of the Offence; and be puniſhed therefore at the diſcretion of the ſaid Warden, and other Twelve Perſons of that Realm, to be nominated by the oppoſite Warden.

Prices of Cattel.

16. ITEM, For the avoiding of Perjury, heretofore committed in the valuing of Cattel, and for a great terror unto the Wicked, it is agreed and ordained, That the ſingle value (otherwiſe called the *Principal*) for Attempts committed ſince the Tenth Day of this Inſtant, and hereafter, ſhall be eſteemed and judged as followeth, *viz.* Every Ox, above Four Year old, Fourty Shillings Sterling; every Cow, above Four Year old, Thirty Shillings Sterling; and every Ox above Two Years old, Twenty Shillings Sterling; and every Young Cow, above Two Years old, Twenty Shillings Sterling; every other Beaſt, under Two Years old, Ten Shillings Sterling; every old Sheep ſix Shillings Sterling; and every Sheep-hogge Three Shillings Sterling; every old Swine, above one Year old, ſix Shillings Sterling; every young Swine Two Shillings Sterling; every Gate, above one Year old, Five Shillings Sterling, every young Gate Two Shillings Sterling; and every Double Toope to be valued after the rate of the Single.

Sowing of Corn.

17. ITEM, If any Subject of either Realm ſhall manure, occupy or ſow with Corn, any Ground within the oppoſite Realm, it ſhall be lawful to the Owner of the Ground or Warden, to deſtroy the ſame, if he think ſo convenient; or elſe to make Bill, or complain thereupon to the oppoſite Warden, and if the Party be filed, he ſhall forefeit his Corn to the Complainant, and ſhall pay four times the value

value of the Corn ſown, and further ſuffer Impriſonment by the ſpace of Three Months.

The third Fault to incur death.

18. ITEM, Foraſmuch as it hath appeared, by experience of time paſt, that Thieves and Evil Doers have not ceaſed nor forborn from committing of Offences and Attempts againſt the Treaties of Peace, albeit they were compelled to make redreſs by payment of the Principal with two Doubles, it is by this preſent Treaty ſpecially agreed and contracted, That from henceforth, if it ſhall happen any of the Subjects of either Realm to be fyled upon Bills for three ſeveral Offences and Attempts to be committed hereafter againſt the Peace and Amity, that for the Third Fault he ſhall incur the Pain of Death as a Common Offender againſt the Laws of the Marches.

SO that above the ſatisfaction and redreſs of the Attemptate, with the payment of the Singles and two Doubles to the party complainant, the Warden of the foreſaid Offender ſhall (to the uttermoſt of his power) ſearch for, take and apprehend the ſaid Offender, and bring him to the next Day of Marche, and deliver him to the oppoſite Warden for to be executed to death; ſo that by this Example all other ſhall take fear to offend or violate the Amity between the two Realms.

PROVIDED always, that the intent of this Article is to be taken, that the Second of the foreſaid Three Offences ſhall be underſtood to be committed after the Offender be once found foul of the firſt Offence, and the third Offence likewiſe to be taken an Offence to be committed after the Offender be found foul of the ſecond Offence.

19. ITEM, For the more ſpeedy furtherance for the True Man to receive his Goods from

from the Robber, Spoyler or Receipter thereof, it is agreed, That if it ſhall happen the Inhabitant of any of the Marches to commit any Attempt within the Limits of the other Marche, and ſo fyle the other March, that it ſhall be lawful to the party grieved to bill for the Offence, either before the Warden of the Marche where the Offender dwelleth, or where the Goods remain, or elſe before the Warden of the Marche at his pleaſure and choice; And both the ſaid Wardens ſhall be bound to make him lawful anſwer and redreſs upon his complaint.

20. ITEM, Albeit in ane Treaty and Indenture made at *Berwick* upon the *4th* Day of *December*, in the Year of our Lord God 1553, between the Commiſſioners of both the Realms, it was agreed and eſtabliſhed, That the Inhabitants of both the Realms ſhould feed and paſture their Cattel within the Limits and Bounds of their own Realms, upon pain to the Offender thereof, willingly or accuſtomably depaſturing or feeding his Cattel within the Bounds of the other Realm, by payment of one penny Sterling for every Cattel or Nolt at the firſt Fault, and for every Sheep One *Scots* Penny, and by it rating the Offence to double the pain of the Parkadge or Poundage, until ſuch time as the Poundage of every Nolt ſhall extend to two Shillings Sterling; and for every Sheep Six Pence Sterling, as more at large is expreſſed in the ſaid Treaty:

YET now upon diverſe reſpects it is furthermore agreed and concluded by us, that this Addition be added thereto, That if it ſhall happen the Cattel or Sheep of the one Realm to be ſtaffherded, or to remain depaſturing upon the Ground of the oppoſite Realm, by the

Staffherding of Cattel.

the ſpace of ſix Hours in one Day, it ſhall be lawful to the Owner of the Ground ſo depaſtured, or to the Warden or Deputy of the Marches, for to take and apprehend the ſaid Cattel and Sheep (as forefett and loſt) to his own uſe; without any redreſs to be made therefore. And, for avoiding all Controverſies, it is agreed and thought convenient, that the Lord or Owner of the Ground ſo depaſtured, or the Warden, when any of them will proceed to the apprehending and excheteing of any Goods ſo depaſturing, that he ſhall take with him (of his own Country) four or more honeſt and credible perſons unſuſpected, to be preſent with him, to ſee that Execution be duly made, all Fraud and Male-ingine ſet apart and removed: And for Cattel and Sheep, remaining by ſhorter ſpace than the foreſaid ſix hours, we agree and think meet, that the foreſaid Order, eſtabliſhed at *Berwick*, ſhall be uſed and obſerved; with this Addition alſo, That in caſe the Keeper of the Cattel ſo depaſturing the Ground of the oppoſite Realm, or any other for, or with them, will not permit the Owner of the Ground, or the Warden, to uſe the Order of Parkadge and Pounding, eſtabliſhed in the ſaid Indenture, but will make Lett, Trouble or Impediment againſt the pounding or keeping of the Cattel, until they be redeemed by paying of the Poundage; In that Caſe the Cattel and Sheep thereof ſhall be lawfully forfetted, and taken to the uſe of the Owner of the Ground or Warden, for the Contempt and Reſiſtance made againſt the Order of Juſtice. And for the proof of this apprehenſion or impounding, or for the number and quantity of the Goods apprehended and impounded, and for the time of the remain-

Confirmation of the former Treaty.

ing of the Cattel upon the Ground: We will that the ſame be reſerved and tryed by the Oath of the Warden or his Deputy, or by the Apprehender thereof, together with ſix other honeſt Men of that Realm, to be declared upon their Faiths and Honours, and thoſe ſix to be named by the oppoſite Warden.

Eſcape of Offenders.

21. ITEM, Becauſe it hath oftentimes happened that the Offender fyled in Bills, being delivered to the oppoſite Warden for the redreſs of the Attempt committed by him, would make reſiſtance to them that lead, or ſhould lead him away, and ſuddenly eſcape and return in to his own Country, whereby (in ſo doing) both the parties grieved lack Redreſs, and Trouble is raiſed between the Companies of both Realms being together at *Days of Trewes*; for avoiding whereof, it is now ordained and agreed, That the Offenders ſo delivered ſhall quietly paſs and remain with the party they are delivered unto, during all the time of their ſaid aſſembly, and two hours after their departure.

And if the ſaid Offender ſhall do the contrary hereof, he or they ſhall be puniſhed by Death, or otherwiſe, at the Diſcretion of the Wardens, as a breaker of the Aſſurance; and this to have place for Offenders that are not delivered to be put to Death. For ſuch Perſons as ſhould be executed by Death, we will that the ſtrait hold and keeping ſhall be uſed until Juſtice ſhall be executed on them.

Brangling or Reproving at Trewes.

22. ITEM, Albeit it hath been very prudently provided, in the foreſaid Indenture made at *Berwick*, That no Brangling or Reproving, at the Aſſemblies for Juſtice, between Realm and Realm, ſhould be uſed, under the Pain therein contained, and that ſilence there-

by

by is put to the Complainer, and no Remedy provided to do Juſtice upon his Complaint:

Ranſom. It is now agreed, That where any Perſon of either Realm ſhall complain upon the Subjects of the other Realm, dwelling within any the Wardenries thereof, That he will not according to his Bond and Promiſe re-enter as Lawful Priſoner, either for himſelf or any other that he ſtandeth bound for, or will not pay his Ranſome promiſed, and other ſuch like Matter and Cauſes, That the Perſon complainant ſhall give in his Bill to the Warden of the *Marche* where the Perſon complain'd upon dwelleth; and the Warden ſhall cauſe him to be lawfully arreſted, to anſwer the next *Day of Trewe*, and to do Juſtice upon the Complaint, by giving of Sentence according to the *Marches* Equity and Reaſon.

Entry upon Bond.

23. ITEM, Although it may clearly appear, by the Treaty of Peace lately made and contracted at our Lady's Church in *Scotland*, upon the day in the Year of our Lord God One thouſand five hundred and and in all other Treaties had by Commiſſion of both Realms ſince that time, that the Princes have willed than Man-ſlaughter, Murder, Cruel givers of Wounds and Hurts to any Perſon, Thieves, raiſers of Fire, by burning of Corn or Houſes, committing of wilful Perjury, receipters of Rebels, and comforters of Fugitives, and all other Offenders and Treſpaſſes of the Treaties of Peace and Laws of Marches, to be moſt rigorouſly Puniſhed, and have ordain'd worthy pain and puniſhment to be executed againſt the Offenders. Yet having experience that the negligent omiſſion of the Officers, neither executing nor performing their Duties in that behalf, nor yet

All Treaties to be in this Indenture.

Occaſion of great Diſorders in the Marches.

giving knowledge to the Subjects by continual exerciſe of Juſtice, how they ſhould behave themſelves in obeying God and their Prince, have been the occaſion of ſuch great Enormities and Miſorders as heretofore hath been committed upon the Borders, whereby God hath been provoked to pour forth his Wrath and juſt Puniſhment upon the Inhabitants of both the Realms.

IT is now thought convenient and agreed, That all *Pennrye* of the Wardens of both the Realms ſhall incorporate and join together in one Book the foreſaid Treaty of Peace, made at our Lady Church, this preſent Indenture, and all other Treaties and Indentures made between the Commiſſioners of both the Realms, during the laſt Amity and perpetual Peace.

AND, after that he have, in preſence of the other Warden and the Inhabitants of both Marches, ſolemnly ſworn and made his Oath for the uſing of his Office in Form beforementioned; then ſhall they cauſe the foreſaid Book and whole Treaty (or, at leaſt, ſo many Articles and Heads as tend to the Preſervation of the Amity, the good Order of the Subjects, and Puniſhment of Offenders) to be openly read, and publickly once in the Year read and publiſhed, in open Audience, at the next Meeting of the Wardens after *Midſummer*, yearly; whereby the Warden and Subjects of either Realm may be put in remembrance of their Duties, and have the more fear to offend in any-wiſe.

24. ITEM, For avoiding of all Controverſies, Debates, and Strifes that may hereafter ariſe between the Subjects of both Realms, concerning certain Grounds lying upon the Frontiers, in the Middle Marches and Eaſt Marches

Marches of the ſaid Realms, claimed by the Neighbours thereof of both the Realms to appertain to them, ſo as yet the ſame remaineth debateable not fully nor perfectly declared or known to whom the ſame ought fully to appertain;

Debateable Ground.

We, the foreſaid Commiſſioners of both the Realms, foreſeeing the Dangers that may happen to the breach of the Amity and Peace, have thought good to make ſuite either of us to our own Princes, and to require them moſt humbly to appoint Commiſſioners to join together, and to conſider the Differences and Controverſies preſently thereby appearing, and immediately to compound and end the ſame, by diviſion of the Ground debateable, and ſetting of perpetual Marches, Bounds and Meeres; between Realm and Realm, inviolably hereafter to be obſerved; and that we ſhall certifie either of us the other, what Anſwer we obtain from our Princeſs, not doubting but that they ſhall mutually agree thereunto, as a Thing tending to the Quiet and Commonwell of both the Realms, and preſervation of Amity.

Different Forms in Judgment.

25. FINALLY, Becauſe in times paſt, the Laws of Marche, for making of Redreſs and Puniſhment of Offenders, have not, as is ſaid, been ſo diligently executed as appertained, but rather by ſome abuſed, every Warden having a Form and Manner of proceeding different from the other, ſome redreſſing the Attempts with the Single only, and ſome other redreſſing with the Single and two Doubles; ſome redreſſing with a low Price and Value of Goods, and other with a higher Price; ſome permitting the Party to value and eſteem (as well his Cattel and Sheep, as his other Goods

ſpoiled) by his Oath, and ſome by the co trary, and ſo having different Cuſtoms at ſundry *Marches*, which was altogether much inconvenient, to the offence of God, and diſhonour of the Princes; ſo to have in one Realm, and under the Obedience of one Prince, different Manner and Form of Judgment:

An Uniform Order of Juſtice.

THEREFORE it is here preſently ordained and concluded, in the Name of both our Princeſſes, That every of the aforeſaid Wardens ſhall hereafter keep, obſerve and execute his Office according to the Treaty of Peace, and of theſe Articles, and other heretofore paſſed among the Commiſſioners of both the Realms, not contrariant hereto, and ſhall uſe one Form of Judgment and Execution of Juſtice according to the ſaid laudable Laws, and to the Cuſtoms of the *Marches* heretofore uſed; whereby Thieves and Evil Doers may be puniſhed, True and Obedient Subjects maintained to live in peace and quietneſs under the Protection of their Princeſs and Wardens, and ſo God may be glorified over all.

IN WITNESSE whereof, and for the good performance hereof, the Commiſſioners aforeſaid of both the Realms have interchangeably ſett their Hands and Seals to theſe Preſents, *Viz.* To the one Party thereof, remaining with the ſaid Commiſſioners of *Scotland*, the aboveſaid Commiſſioners of *England* have ſubſcribed their Names, and ſet to their Seals: And to the other Part remaining with the ſaid Commiſſioners of *England*, the foreſaid Commiſſioners of *Scotland* have ſubſcribed their Names, and ſett to their Seals, the xxiiid Day of *September*, in the Year of the Incarnation of our Lord *Jeſus* Chriſt One Thouſand

Thouſand Five Hundred Threeſcore and Three.

Commiſſioners for England.

H. Scroope,
John Forſter,
Thomas Gargrave,
John Rookbie.

Commiſſioners for Scotland.

John Maxwell,
John Ballendine.

QUEEN ELIZABETH.

1596.

TO ALL Chriſtian People to whom theſe Preſents ſhall come, We *Tobie*, by God's Providence, Biſhop of *Duriſme*, Sir *William Bowes*, Kt. *Francis Slingsbie*, Eſq; and *Clement Colmer*, Doctor of Law, Commiſſioners of the moſt High, the moſt Excellent and Mighty Princeſs, ELIZABETH, by the Grace of God, Queen of *England*, *France* and *Ireland*, Defender of the Faith, &c.

And we *Peter*, by the Grace of God, Biſhop of *Dunkell*, one of the Senators of the College of Juſtice within *Scotland*, Sir *George Hume* of *Wedderburn*, Kt. *Andrew Kerr* of *Fawdonſide*, and Mr. *George Young*, Archdean of St. *Andrews*, Commiſſioners for the Right High, the Right Excellent and Mighty

Prince JAMES the *Sixth*, King of *Scots*, ſend greeting in our Lord God everlaſting.

KNOW ye, That we the ſaid Commiſſioners having met here in the City of *Carliſle*, in the Name of Almighty God, and for obedience of our Soveraigns Directions, given us by their Commiſſions under their Great Seals, and having ordered all Complaints preſented to us throughout all the *Marches* of both the Realms, and thereby made our ſelves acquainted with the lamentable effects which the Lawleſs and Diſobedient Diſpoſition of the moſt part of the Inhabitants thereof, imboldned with long impunity and toleration of careleſs Officers, hath wrought between the *Marches*, to the offence of God's moſt Holy Majeſty, the great diſhonour of the Princes, and pitiful Deſolation of both the Borders, exhauſted by theſe means both of Inhabitants and Goods, and being ripely and at length adviſed upon the apparent Cauſes of theſe great Diſorders, have (in the Fear of God, and with due Reverence to our Soveraign Princes) reſolved upon theſe Remedies, as likelieſt means, in our Opinions, both to redreſs the former Wrongs, and to prevent the like Confuſion in time to come.

Churches and Miniſters.

1. FIRST, That the Princes be moſt humbly and earneſtly intreated to cauſe God's Miniſters of the Word to be planted at every Border Church, to inform the Lawleſs People of their Duty, and to watch over their Manners, and that the Principal Inhabitants of each Pariſh ſhall put in Surety to their Prince for Due Reverence to be uſed towards their Paſtors in their Offices, and the ſafety of their Perſons; and that to this effect, order may be timely taken for reparation of the Decayed Churches within the Bounds.

2. LIKE-

2. LIKEWISE for the prevention of such great Enormities and Miſchiefs as of late Years have undone the Borders, and diſquieted the Peace between the Realms, the Soveraigns on either ſide ſhall in all humility be intreated to chuſe and eſtabliſh a Councel in every *Marche*, of the moſt Sufficient and Diſcreet Borderers inhabiting the Bounds thereof, who ſhall conveen twice in the Year, for ſuch effect, and at ſuch time and place, as by the particular Commiſſioners ſhall be appointed unto them. *Border Council.*

3. THAT the Wardens yearly at the firſt *Day of Trews* after *Midſummer*, to be holden within four Days at the furtheſt after the ſaid Feaſt, ſhall ſhew their Commiſſions either of them to other interchangeably, the Copies thereof under their Hands, and give and receive reciprocally their Solemn Oath, both to do Juſtice in their ſeveral Offices, without reſpect of Perſons, or any Siniſter Affection, and ſpeer, fyle and deliver, upon their Honours, according to the former Treaties. *Oath to do Juſtice.* *Speer, fyle and deliver.*

4. THAT every Warden in time to come ſhall be bound, by his foreſaid Oath, to ſpeer out whatſoever Attempt committed againſt any Inhabitants of the oppoſite Realm, within any Complaint in his *Marche*, exceeding the number of five Perſons, and fyle the ſame upon his Honour, and deliver therefore (within fifteen Days after he be required thereto by his oppoſite Officer) under the pain of paying the Bill himſelf. PROVIDED always that Requiſition be made within Forty Eight Hours after the committing of the Attempt. *Fyling upon the Honour of the Warden.*

5. THAT the Wardens in fyleing and clearing upon their Honours, ſhall ſet down in the Margin of every Bill fyled and cleared *Bills ſoul upon the Warden.*

by them, (*foul* or *clear*, as I am verily perſwaded upon my Conſcience and Honour) and ſuch Bills as they will not fyle or clear within the ſaid Fifteen Days, by theſe words, or ſuch like in effect, the ſame being ſignified unto them within the foreſaid Space of 48 Hours, to be foul upon themſelves for their Neglect of Duty in that behalf.

Warden rode.

6. THAT no Warden or Keeper ride hereafter in Perſon, or direct any to ride hereafter by his Commandment or Cauſing, in hoſtile manner within the oppoſite Realm, without a ſpecial Command firſt had thereto from his Prince, under his Hand and Seal, under the pain to be accounted a publick Enemy of the Peace: And whoſoever ſhall accompany him to any ſuch unlawful Act, or ride at his Command in manner aforeſaid, ſhall loſe for ever all manner of Redreſs of any Offence done to them before the Date of the ſaid Rode, and nevertheleſs ſhall ſatisfie the Party grieved for Skaith and Damage, according to the Laws of March.

Enquiry upon Offenders by the Border Council.

7. THAT the Border-Council aforeſaid, at their Conveenings and Meetings, ſhall make diligent Enquiry and Tryal of all Notorious Thieves and Robbers within their Wardenry; and, ſuch as they find to be of that Quality, that they inroll them under their hands, and deliver a Copy of the ſame unto their Warden; who ſhall, upon the firſt Attempt that ſhall be truly tryed and fyled upon any of them hereafter, put the ſaid Offender immediately to death; Or, in caſe he be Fugitive, ſhall cauſe him to be proclaim'd ſuch an one, according to the Order and Cuſtoms of the Borders, and his Houſe immediately to be demoliſh'd and deſtroyed, that it ſerve him no more for Receipt within that Wardenry.

8. IF

8. IF it fall out, that any deadly Feede be born againſt any of the Oppoſite Realm, for executing of any Thief by Juſtice, or killing him with Reed-hand, whereas he findeth him ſtealing, or clad with ſtollen Goods, or for purſuing him to death by whatſoever lawful means: The Warden, to whoſe Office he appertaineth, upon ſignification made to him of the ſaid Feede, ſhall apprehend the ſaid Party ſo bearing feede, and either cauſe him preſently to renounce the ſaid Feede by Writing under his Hand, or ſhall deliver him to the oppoſite Warden, to be kept by him until he have renounced the ſaid Feede as aforeſaid, and found Surety to that effect, to the content of the Party Plaintiff: And this to be extended to all Feedes preſently ſtanding for Cauſes by-paſt, between the Borderers of both the Realms, as well as for the time to come. *Deadly Feede.*

9. CONCERNING Manſlaughter, it is ordained, That the former Treaty made thereupon, ſhall ſtand in full effect and force, with this addition, That whenſoever any Slaughter ſhall be committed in time to come, between the Inhabitants of the Marches, the Wardens ſhall do Juſtice therein preciſely within fifteen days after they ſhall be required thereto by their Oppoſites, under the pain of Ten Pounds *Sterling*, to be paid by the Warden making default, to the Party grieved, for every Month during his delay of Juſtice; without further following of the Offender, according to the Treaties in that behalf provided. *Slaughter.*

10. THAT in time to come, yf any Warden or other Officer, having two oppoſite Marches to anſwer unto, and to be anſwered of, in caſe he be denied Juſtice by any of his oppoſite Officers, ſhall nevertheleſs proceed in *Denial in Juſtice.*

Juſtice with the other, leaving the Refuſer to be ordered by the Princes and their Councils.

Delivery of the Officer upon a Bill fyled.

11. YF the Warden deliver his Officer for a Bill fyled before him, and afterwards borrow him again upon his word, as is the uſe, yf in the mean time the Party ſo fyled depart this Life, by whatſoever way or means, in this caſe the Warden ſhall pay the Bill, and ſeek his Remedy and Relief upon the Heirs and Executors of the Defunct, as he may beſt.

Violent Theft, with Delivery of the Offender.

12. FOR maſterful and violent Theft and Reiſe, by Night or Day, and for ſecret ſtealing, wherewith is joined either bodily hurt of Men, Women, and Children, or violent Reſiſtance againſt the Followers in hot and freſh Purſuit of their Goods; it is ordered, That (beſides the ordinary Redreſs to be made of the Goods) any one of the Offenders, whom the Complainant ſhall chuſe, ſhall be delivered to the oppoſite Warden, to be puniſhed at his diſcretion, according to the quality of the Offence.

13. THAT the Wardens hereafter take good heed, in every March, that none of the broken Borderers be ſuffered to keep in their Companies any idle Perſons, not employed in any honeſt Service or Trade; and likewiſe that no idle Perſons be ſuffered to remain in the Border-Villages or Alehouſes; certifying ſuch as ſhall receipt them upon their Grounnd, that they ſhall be billable for their ſo doing, as if they had actually receipted the Goods by them ſo ſtollen.

Day of Trew.

14. YF any Perſon ſhall maliciouſly trouble or moleſt another, in cauſing him to be arreſted to the day of Trews without juſt cauſe, the Warden (upon knowledge thereof) ſhall ſee

th

the Party ſo troubled ſatisfied for his Damage and Expences, which he ſuſtained there-through. And, for the better tryal thereof, the Party Complainant ſhall be bound to take his Oath, that he is perſwaded he hath juſt cauſe to purſue that Bill againſt the Perſon which he hath cauſed to be arreſted.

Goods loſt muſt be claimed within year and day.

15. Y F it ſhall happen any Perſon to have *bona fide* in his Poſſeſſion ſtollen Goods, not knowing them to be ſtollen, in caſe he be not ſued therefore within Year and Day, the Goods ſhall remain with him ever after, as his own proper Goods. And, if within that Space he be ſued for that ſame, he ſhall give good and ſufficient Proof of his Innocency before the Wardens or their Deputies; and ſhall give up and nominate a reſponſible Debtor, of whom he had the ſame Goods. And this to excuſe none that are privy to Theft, or any ways Partakers, Concealers, Hiders or Keepers up of ſtollen Goods, but that the Ancient Laws and Cuſtoms be executed upon them.

Swearing of Bills.

16. F O R Eſchewing of Perjury, in Swearing of Bills in time to come, it is ordained, That every Man ſwear his own Bill; otherwiſe to have no Delivery for the ſame.

Fyling by Avower.

17. Y F any Man unjuſtly trouble or offend another in word or deed, any time hereafter, for fyling any Bill hereafter againſt him, he ſhall never be heard to back-bill againſt the Avower; and nevertheleſs ſhall be puniſhed therefore by the diſcretion of the Warden, according to the quality of the Offence.

Back-Bill againſt the Avower.

18. F O R eſchewing of fraudulent driſt and delay uſed in back-billing, of purpoſe to diſappoint the Avower of his Proofs which he hath or may have preſently to verify his word, It is ordained, That whoſoever ſhall back-bill againſt

Warden-Court. gainſt any Avowēr, ſhall do it againſt or within Forty days after the filing, or elſe to be excluded from the Remedy for ever; and, to that effect, every Warden ſhall be bound to hold Warden-Courts, and to do Juſtice within Twenty days after he ſhall be required by the Party, under the pain of paying the Bill himſelf.

19. THAT in time to come, cauſing and commanding (being billed in any Complaint) ſhall be no leſs Criminal, then having, ſtealing, and receipting.

Bond taken by the oppoſite. 20. YF any Borderer hereafter procure any of the oppoſite Nation to be bound for him, by Word or Writing, and relieve him not in due time of the ſaid Bond, whereby the Surety ſhall be compelled to pay the Summe for which he gave his Bond, (or, in caſe he dye) his Heirs, Executors, or Aſſigns ſhall be adjudged in time to come by the Warden to repair the ſaid Summ to the Complainant, or (in caſe he dye) to the Heirs, Executors, or Aſſigns of the ſaid Surety; notwithſtanding there be no mention of the words, Heirs, Executors, or Aſſigns, in the ſaid Bond.

Proof by Avower. PROVIDED always, that they prove their Intention and Claim, either by ſufficient Bond in Writing, or by a lawful Vower of the oppoſite Nation, according to the Cuſtom and Treaties.

Actions of Debt. 21. IT IS likewiſe agreed, That, except both Parties (or, at leaſt, the Party Defendant) be inhabitant within the Marche, Actions of Debt ſhall not be tryed before the Warden, but before the ordinary Judges; in which caſe the Marches ſhall be underſtood; the *Engliſh* from *Newcaſtle* and *Perithe*, and the *Scots* from *Edinburgh* and *Dumfries*, excluſively.

22. THAT

22. THAT where diverſe Offences are billed for, in one and the ſame Complaint, the Party Defendant (upon his appearance) ſhall be filed of no more Crimes therein contained, then ſhall be ſpecially recorded upon the Margin of his Bill by the oppoſite hand. *Bills of Complaint.*

23. IT IS likewiſe ordered, That all Bills fyled by us and by our Order, or to be fyled in time to come by Commiſſioners or Wardens, which ſhall be found (at the time of Delivery or Swearing) to be interlined in any Matter, Point, or Name, the Words or Names ſo interlin'd ſhall be of no effect or force, but taken as unwritten, Except the ſame have been, or ſhall be by the Privity and Conſent of us the Commiſſioners inſerted, or of the Commiſſioners for the time to come. And, to the end that the ſame may be the better known, that the principal Complaint be as well preſented at the time of the Delivery, as the Indents. *Bills foul interlin'd.*

24. THAT, for the better repreſſing of the manifold Diſorders, ariſing (for the moſt part) of the recepting of Fugitives exiled for Theft out of their native Realm; the Wardens ſhall (before the laſt day of *June*) inroll the Names of all ſuch Perſons within their March, as they have given up for Fugitives in the time of this Treaty, together with ſuch other Fugitives for Theft and Robbing, as they can try to be receipted within their oppoſite March; albeit they be not complained on at this time; and ſend the ſaid Bills to their Oppoſites, ſubſcribed with their Hands; together with their Requeſt, to cauſe ſo many of them as are receipted within their Bounds, to be ſafely and ſecurely apprehended and delivered according to the Treaties: Which being *Fugitives exiled for Offences.*

ing received by the Oppoſite, he ſhall either perform him the Contents thereof with all poſſible Secrecy and Diligence, as he will anſwer to his Sovereign if he fail therein. Or elſe, if he cannot apprehend them, he ſhall declare them to be Fugitives throughout his March, and cauſe them to be declared throughout the other Marches of that Realm; and, after the ſaid Proclamation, ſhall cauſe their Houſes and Shields to be deſtroyed within their Office, and not ſuffer them to be receipt within the ſame for ever after, to his knowledge, under the pain to be reputed (in ſo doing) an Entertainer of publick Enemies to the Peace between the Realms, and to be anſwerable to the Party grieved for all ſuch Attempts as ſhall be committed by them in the mean time.

Receipt of Offenders.

Delivery and Return of Bills.

25. CONCERNING the Reſidue of the Complaints, if any reſt as yet unordered, it is ordained, That all the Wardens ſhall (between this and the 10*th* of *June* next enſuing) interchange their Rolls with their Oppoſites, and within eight days after, ſhall by themſelves or their Deputies; (meeting at their uſual Places) return and deliver them on either ſide to their Oppoſites, either fyled or cleared upon their honour, under the pain of paying the Bills themſelves which they refuſe either to fyle or clear within that Space; without prejudice always to the Complainant, to uſe an Avower if he have any, and thereby to claim Double and Sawſey.

Double and Sawſey.

Redreſs of Bills.

26. LIKEWISE, for the better Aſſurance of Delivery, and Redreſs of Bills, fyled by us during this Treaty, as alſo for the like Redreſs of Bills fyled by the laſt Commiſſioners in *February* 1587, included in this Treaty, and for keeping of the Borders in quiet, till that full Delivery for both be made;

That

That two or more of every Sirname of broken Men, on either ſide, as the ſame is of quantity, being of equal Rank, to be named and given in Bill by the Oppoſite Officer, ſhall be entred to the ſaid Oppoſite as Pledges for the ſaid Bill fyled and to be fyled upon themſelves and the reſt of their Sirname. *Entry of Pledges.*

27. THAT for the Bills fyled as aforeſaid, and to be fyled by us, upon ſuch Border-Men and others as are not of any known Clanne, that the Wardens ſhall enter every of them a Gent. to remain with his Oppoſite till full Delivery be made of ſuch Bills as he ſhall enter for. *Entry upon a Bill.*

28. THAT their entry ſhall be to their oppoſite Officer between the day of the date of this Indent, and the firſt of *July* next.

29. THAT the Princes on either ſide ſhall be intreated to appoint, in every Marche, ſome Commiſſioners to ſee the ſame take effect.

30. THAT being entred they ſhall be kept by indifferent Men, upon their own Expence, and not committed to the Cuſtody of any Perſon with whom they ſtand at feed or variance. *Entry of Pledges.*

31. THAT their remaining in the oppoſite Realm ſhall be no longer than the Bills filed, and to be filed in order, together with ſuch other Bills as by the laſt Commiſſioners were filed upon them and their whole Sirname, for the which they entred Pledges, be duly ſatisfied and redreſſed according to the Filing.

32. THAT if any of them being entred depart this Life, during his abode in the oppoſite Realm, another broken man of his Sirname (at the choice of the oppoſite Officer) ſhall be entered in his place.

33. THAT

33. THAT the broken Pledges entred ſhall be ſubject to cauſe the Bills Filed, and to be Filed, by our Order, as likewiſe by the order of the laſt Commiſſioners included in this Treaty, upon their whole Sirname, at that hand to be redreſſed within a Year and Day after the date of theſe our Indentures; within which ſpace, if the ſaid whole Bills, filed and to be filed on their Sirname as aforeſaid, be not redreſſed, it ſhall be in the choice of the Prince or Officer (in whoſe hands they remain) to take their Lives, or to retain or ſeize them at their pleaſure till the full delivery be made.

34. THAT this entry ſhall no wiſe be executed to the redreſs of Slaughters, but ſo far forth as the Commiſſioners ſhall agree and appoint in the Treaty thereupon.

35. IT is agreed in like manner by the Commiſſioners, That the Pledges entred ſhall lye for all and whatſoever Attempts filed by the Wardens (at their ſeveral Meetings) upon any of their Sirnames on that ſide whereof no Reparation nor Redreſs hath followed; as likewiſe, whatſoever other Attempts to be committed by any of their Sirname aforeſaid, from the day of our Diſſolving till the day of their Liberty, and cauſe the one and the other to be repaired within the foreſaid ſpace at their perils.

The next to hold within Scotland.

36. LIKEWISE it is agreed by the ſaid Commiſſioners for *England*, That in reſpect the ſaid Commiſſioners for *Scotland* have willingly conſented both to begin and proſecute this Treaty within *England*, that therefore the next Treaty of Commiſſioners ſhall hold within *Scotland*; except the Princes, or their Commiſſioners for the time, otherwiſe

wiſe agree. For whoſe Indemnity, in the mean time, His Majeſty ſhall give a ſufficient ſafe Conduct, if it be required.

Sequuntur Tenores Commiſſionum.

ELIZABETH Dei Gratia, *Angliæ, Franciæ* & *Hiberniæ* Regina, Fidei Defenſor, *&c.* Omnibus ad quos præſentes literæ pervenerint ſalutem; Quum in quoſdam ſubditos tam noſtros, quam illuſtriſſimi & potentiſſimi Principis JACOBI, Dei gratia *Scotorum* Regis, Fratris & Conſanguinei noſtri chariſſimi, quædam contentionum occaſiones, propter nonnulla furta, rapinas, invaſiones, homicidia, aliaſque hinc inde illatas injurias, nuper exort. ſunt in partibus limitum *Angliæ* & *Scotiæ*. SCIATIS, quod nos, pacis amantes, & conſervandarum amicitiarum & fœderum ſtudioſ. & fidelitati, induſtriæ, prudentiæ, & circumſpectioni perdilectorum noſtrorum Reverendi in Chriſto patris *Tobiæ* Epiſcop. *Dunelmenſ. Gulielm. Bowes*, Milit. *Franciſci Slingsby* Armiger. & *Clement. Colmer* Legum Doctor. plenius confidentes, ipſos noſtros veros, legitimos, & indubitatos Oratores, Commiſſionarios, & Deputatos, & Nuncios noſtros ſpeciales, conſtituimus, ordinamus, & facimus, per præſentes, *Dantes* & *Concedentes*, eiſdem *Tobiæ Dunelmenſ.* Epiſcopo, *Gulielm. Bowes*, *Franciſc. Slingsby* Armig. & *Clement. Colmer*, vel tribus eorum, (quorum *Dunelmenſ.* Epiſcop. vel *Gulielm. Bowes*, unum eſſe volumus) plenam authoritatem, poteſtatem, & mandatum ſpeciale & generale, ſuper omnium & omnimodorum furto-

furtorum, latrociniorum, rapinarum, homicidiorum, aliarumque injuriarum reſpective hinc inde illatarum quarumcunque, querelis, deſidiis, aliisque contentionibus & controverſiis quibuſcunque, audiend. tractand. conveniend. concordand. & finaliter concludend. & generaliter omnia & ſingula quæ ad eaſdem ſive alias lites & contentiones quaſcunque removendas & auferendas, ac amicitiam & mutuum amorem inter ſubditos noſtros & dict. fratris noſtri & conſanguinei chariſſimi conſervand. pertinebunt, cum circumſtantiis omnigen. connex. & incident. quibuſcunque nomine noſtro tractand. exercend. & faciend. *Damus* inſuper eiſdem Commiſſionariis noſtris, Oratoribus, ſive Deputatis, aut tribus eorum, (quorum dict. Epiſcop. vel *Gulielm. Bowes* Militem unum eſſe volumus) authoritat. dandi & concedendi ſalvum conductum ſive ſecuritatem quibuſcunque dicti fratris & conſanguinei noſtri chariſſimi Commiſſionariis quod ipſi eorumque miniſtri ac famuli, cum ſuis bonis ac rebus quibuſcunque, infra Regnum noſtrum *Angliæ* venire ibidemque pro tempore conventionis commorari, libereque illinc recedere poterint, quoties illis videbitur expedire: PROMITTENTES, bona fide & verbo regio, quod omnia & ſingula quæ per eoſdem Oratores, Commiſſionarios, Deputatos & Nuntios noſtros, ſive eorum tres, concordata, geſta & concluſa fuerint rata & firma habitur. & obſervatur. & quod literas noſtras patentes magno ſigillo noſtro ſigillat. manuque noſtra ſubſcript. omnium & ſingulorum præmiſſorum confirmatum in forma prædict. prout expedit. damus & concedimus; IN CUJUS REI TESTIMONIUM has literas noſtras fieri fecimus patentes, Teſte meipſa, Apud *Weſt-*

Weſtmonaſterium ſecundo die *Octobris*, Anno Regni noſtri Triceſimo Octavo.

Per ipſam Reginam.

POWLE.

JACOBUS Dei Gratia, Rex *Scotorum*, omnibus probis Hominibus ſuis ad quos præſentes literæ pervenerint, ſalutem; Quum inter quoſdam ſubditos tam noſtros quam Illuſtriſſimæ & potentiſſimæ Principis ELIZABETHAE Dei gratia *Augliæ* Reginæ ſororis & conſanguineæ noſtræ chariſſimæ, quædam contentionum occaſiones propter non nulla furta, rapinas, invaſiones, homicidia aliaſq; hinc inde illatas injurias nuper extortæ ſunt in partibus limitum *Scotiæ* & *Angliæ*; SCIATIS quod nos, pacis amantes, & conſervandarum amicitiarum & fœderum ſtudioſ. & fidelitati, induſtriæ, prudentiæ, circumſpectioni predilectorum noſtrorum Reverend. in Chriſto Patris Domini *Petri* divina providentia Epiſcopi *Dunkeld.* Regni noſtri Senator. & conſiliarii noſtri, Domini *Georgii Hume* de *Wedderburne* milit. conciliarii noſtri, *Andreæ Kerr* de *Fawdonſide* & Magiſtri *Georgii Young* Archidiaconi Sancti *Andreæ* Secretarii noſtri, deput. plenius confidentes ipſos noſtros veros legitimos & indubitatos oratores, commiſſionarios, deputatos, & nuncios noſtors ſpeciales & generales, conſtituimus, fecimus, ordinavimus per præſentes: Dames & concedentes eiſdem, vel eorum tribus, plenam authoritatem, poteſtatem & mandatum ſpeciale & generale, ſuper omnium & omninodorum furtorum, latrociniorum, rapinarum, homiciiorum, aliarumq; injuriarum reſpective hinc inde

inde illatarum quarumcunque querelis, deſidiis aliiſq; intentionibus & controverſiis quibuſcunq; in limitibus Regnorum *Scotiæ* & *Angliæ* audiend. tractand. concordand. & finaliter concludend. & generaliter omnia & ſingula quæ ad eaſdem ſive alias lites & contentiones quaſcunque removend. & auferend. ac amicitiam & mutuum amorem inter ſubditos noſtros & dictæ noſtræ ſororis & conſanguineæ chariſſimæ, compertinebunt, cum circumſtantiis emergentibus connex. incidentiis quibuſcunque nomine noſtro tractand. exercend. & faciend. *Damus* inſuper iiſdem commiſſariis oratoribus ſive deputatis noſtris aut eorum tribus authoritatem dand. & concedend. ſalvum conductum ſive ſecuritatem dictæ conſanguin. noſtræ commiſſariis quod ipſi eorumque miniſtri ac famuli cum ſuis bonis & rebus quibuſcunque infra Regnum noſtrum venire, ibidemque pro tempore conventionis hujuſmodi commorari libereque illinc recedere, poterint, quoties illis videbitur expedire. PROMITTENTES bona fide & verbo Regio omnia & ſingula quæ per eoſdem Oratores Commiſſionarios, Deputatos & Nuncios noſtros ſive eorum tres concordat. geſt. & concluſ. rat. grata & firma nos habituros & conſervaturos, & per literas noſtras patentes magno ſigillo noſtro ſigillat. manuque noſtra ſubſcript. omnium & ſingulorum præmiſſor. confirmat. in forma prædicta, prout expedit. dabimus & concedemus; IN CUJUS REI TESTIMONIUM præſentibus manu noſtra ſubſcript. magnum ſigillum apponi fecimus apud *Holyroodhouſe*, Anno Dom. Milleſimo Quingent. Nonageſimo ſexto, & Regni noſtri triceſimo.

Sic ſubſcribitur,

JAMES R.

IN

IN WITNESS whereof, and of the truth of all and every the Premiſſes, We have ſubſcribed theſe Preſents with Our Hands, At *Carliſle*, the 5*th* Day of *May*, 1597.

Commiſſioners for England.

Tobie Duriſme,
William Bowes,
F. Slingsbie,
Clem. Colmer.

Commiſſioners for Scotland.

Peter Dunkeldenſ.
Sir *George Hume*,
Andrew Kerr,
Mr. *George Young*.

FINIS.

SOLI DEO GLORIA.

APPENDIX.

NUM. I.

Thordre to keipe a Werdens Court, with an Exhortation to the Jury, and Declaration of their Charge in Cafes of Martche Treaſon.

Civitas Carliol.

Curia Dominæ Reginæ de proditione Marchiæ & Confinii ex parte occidentali Regni Angliæ *verſus* Scotiam, *tenta ibidem coram prænobili* Henrico Scrope *Milite Domino* Scrope *Gardiano dictæ Marchiæ*, iiiito *die* Julii, *Anno Regni Dominæ* Elizabethæ *Dei Gratia* Angliæ, Franciæ & Hiberniæ *Reginæ, Fidei Defenſor.* &c.

Firſt, THE Wardens Servant muſt maike an *Oyes*, pronowncynge the Wordes followynge:

Alle Men keipe ſylence and here the Quenes Majeſties Commiſſion of Wardenry redd.

When the Commiſſion is redd, the Wardens Servant muſt return his Precepte with his Panell that he had; then call thapparaunts as followithe:

Alle Gentilmen that be ſummoned to ſerve the Quenes Majeſtie in this Courte, come and

and maike yower Apperaunce, and aunſwere to youre Names every man at fyrſt Call.

Then, when as many have appered as will ſerve a Jurye, gyve them their Oythe; fyrſt to the Foreman, in thes Wordes followynge:

Ye ſhall trulie enquere, and trewe preſentment maike of all thynges that ſhall be gyven yow in charge, the Quenes Counſell, yower Fellowes and yower Owne, ye ſhall keipe and not dyſcloſe. So helpe yow God and Holy-dome.

Then call the reſte to the Booke by fower at once, or mo, gevynge them their Oythe:

Hard ye thoythe that yower Foreman haithe taken? All ſuche Oythe as yower Foreman haith maid on his behalfe, yowe and everye one of yowe on yower behalfe ſhall maike. So helpe, &c.

Then ſay alowd:

Gentilmen that be ſworne, come neir and heire yower Chardge.

Then maik yower Oration; and, when ye have ſo done, then chardge the Jurye by hart, if ye can, or ells rede them the Chardge diſtynctly, and let them go appart. Then make an *Oyes*, ſayinge:

All Men that have anye Complaynts of Billes concernynge Matters tryable in this Warden-Courte, come and put theme in, and ye ſhall be harde.

Then call yower Recognyſance, yf ye have anye, and taik Suretyes. When the Jurie be

ready to gyve their Verdict, call theme by Name, and receyve their Bills; And yf any perſone be found giltye, then let the Priſoners or Priſoner ſo found be broughte to the Barre, callynge one of them by his Name, and ſaying on this wiſe.

A. B. *Thowe art here indicted, for that thowe,* &c. and reid furthe thindictment. *Howe ſayeſt thowe, be this* Martch-Treaſon? *Art thowe gilty, or Not gilty?*

Yf he ſay, *Not gilty*; then ſaye, *Howe wilt thowe be tryed?* By God and the Country. And ſo proceed with one other, till all be redd and arreyned. Then call a Jurye of Gentilmen, gevynge the Priſoners leave to chalaunge. And when ye have a full Jurye, beſides Challaunges, give theme their Oithe in this manner followyng;

Ye ſhall trulie inquere, and true Deliverraunce maike betwene the Quenes Majeſtie and the Pryſoners at the Barre, according to the Evydence that ſhall be given in this Courte. As God help yowe, and Holydome.

Then arrayne them all agayne, redynge their Indictments, ſayeing:

A. B. *Thowe haiſt beine indicted,* &c. *and arreyned; Whereunto thowe haiſt pleaded Not giltie, and put thy ſelf upon God and thy Country; which be thes. What canſt thowe ſay for thy ſelf?*

And ſo throughe them all. Then maike an *Oyes*, and ſaye:

Gentilmen, that be ſworne for Deliverye betwene the Quenes Majeſtie and the Pryſoners

ſoners at the Barre, come neire and heire yower Chargde. Yower Chargde is to enquere and fynde whether A. B. *Pryſoner at the Barre be Giltie or Not giltie, of the* Martche-Treaſon *he ſtandeth indicted and arrayned of; and whether he fled upon the Facte done, or not: And yf yowe fynd him giltie, then what Landſ, Goodes and Tenements he was ſeazed of at the commyttinge of the ſaid Treaſon or Fleinge in this Shire or els where within this Realme, and of what value they wiere.*

Then make an *Oyes*, ſayinge:

Yf theire be any Man that will gyve Evydence for the Quenes Majeſtie againſte A. B. *Pryſoner at the Barre, come into the Courte, and ye ſhall be harde; for the Pryſoner ſtandeth upon his Delyveraunce.*

And that done, aftere they have bene appart, and be agreed, call the Juryes Names, ſayeinge:

Who ſhall ſay for yowe? What ſay yowe to A. B. *is he Gilty,* or *Not gilty.*

And ſo take their Verdict.

Then, when the Verdict is gevyn, yf any perſonne be found giltie, the Lord Werden muſt call hym by Name, and bid hym hold up his Hande; then ſaye:

Forasmuch as thowe A. B. *hertofor haiſt beyne indicted of* Martche-Treaſon, *and therupon arrayned and pleaded* Not Giltie, *and put thyſelf upon God and the Cuntry, and they have found the giltie, wherfor this Courte doth awarde thowe ſhalt be had hens unto the place from*

whence thowe com, and from thens to the place of Execution, and ther to have thy Head ſmitten from thy Bodie, according to the Lawe of the Martches.

After Judgment geyvn, my Lord Werden muſt call upon him whos Office is to ſe the Priſoner ſuffer, and ſay:

I commande yowe in the Quenes Majeſties Name, that ye ſee Executione done upon thes Perſounnes, according to the Lawe of Martches, *at yower Peril.*

Then my ſaide Lord Werden, yf it pleaſe him, may exhort the Priſoner (or mo, yf ther be mo then on) in this wiſe; or let ſom Godlie Man inſtruct theym:

Ye that ar adjudged by Ordre of Lawe of this Realme to dye, remembre that ye have but a ſhort tyme to leve in this World; Therfor earneſtly call to God, with penytent harts, for Mercye and Forgeveneſs of yower Synnful Lyves; repent ye haive broken Gods Commandment, and be ſory therfor; and for that ye did not feir the bretche and dangers of the Lawes, therfor yower Bodies muſt ſuffer the Paynes of Death, provided to ſatisfye the Rewarde of yower Fact in this World; yet the Salvation of yower Saulles healthe, for the World to come, ſtands in the great mercye of Almightie God: Wherfor do ye earneſtly repent, and ask mercye for yower Synnes, now when ye ar levynge, put yower Truſt to be ſaveds by the Merits of Criſts Paſſion; and think in yower Harts, yf ye wer able to recompence theme ye haive offendit, ye wold do it; and where yowe ar

not able, aske Forgeveneſs. Have ſuch Faithe in Gods Mercye as Diſmas *the Theſe and Man-Murderer hade that hang at Criſts Right Hand, when he ſuffrede his Paſſion for the Redemption of Mankynde: Whos Faith was ſo great he ſhoulde be ſaved, his Synnes wer remytted, tho' he had but ſhort time of Repentance, and be enjoyede Hevyen. Therfor diſpayr not in Gods Mercye, tho' yower Synnes be great, for Gods Mercye excedith all his Workes. Set apart all Vanities of this World, and comfurth yowe in Hevynlye things; and doubt not but, yf ye ſo doe, ye ſhall inheryt Everlaſtyng Joy in the Kingdom of Hevyn. And thus I commytt yowe to the Mercye of Gode, wiſhinge yower Deathes may be Exemple to all Parynts to bryng up theyr Childre in the Feyr of Gode, and Obidience of the Lawes of this Realme.*

And ſo commande to taike the Priſoners from the Barre, and adyorne the Courte by Proclamation, ſayinge:

All manner of Men that have more to do at this Court, before my Lord Werden, keipe yower Day here upon a Newe Warnynge; and ſo for this tyme depart in Gods Peace and the Quenes.

God ſave the Quene.

And aftere Judgment geven by my Lord, adyorne the Courte to a Newe Daye.

The extortation to the Jurye.

FOraſmuch as the Comen Welth in everye Country and Shier of this Reame of *Englande* conſiſtith in Unity, Peace, Love and Concorde, which to Almyghty God is right acceptable, and to all Good Men moſt convenyent: And to confirme the ſame, Saynt *Peter*, *Criſts* Apoſtle, doth exhort all Chriſtians, ſayinge, *Ante omnia autem in vobiſmet ipſis charitatem continuam habentes.* And the Holy Profete agreeth to the ſame by thes Words, *In conveniendo populos in unum, & Regis ut ſerviant Domino.* Wherby ye may perceive by Gods Holye Worde, that Unity and Concorde emong all Degres of People ar chiefly allowed. And beſids this, for the ſure contynewance of the ſame to be mainteyned within this ſaid Realme, many good Lawes and Statuts have beyn maid and eſtabliſhede by moſt famous Princes Kings of this Realme, be thaſſent of ther Prudent Clergie, Saige Nobilitie, and Diſcret Comminaltie, havynge alſoe forſyght to provide condigne Punyſhment to be executed upon ſuche perſonnes as do infrynge or violat the ſame, commyt any Act or Offence wherein is conteynede any Martche-Treaſon, or Breeche of any Lawe of the Martches of thes Frounters and Weſt Borders of this Realme againſt *Scotland*, or any othre ſpeciall Lawe, Act or Treſpaſe, determinable in this Court. And for the more redie expedition of Juſtice in this behalfe to be had, as neide requireth, my Lord Warden that nowe is, by Letters Patents, or Commiſſion, is ſufficiently auctoriſede

riſede from our Prynce, to ſomon and call before his Lordſhipe all ſuche perſones of the ſaid Shier, as he ſhall thinke moſt expedient to put in practiſe and execution the ſaid Lawes. Wherfor ye that be called at this time to myniſtre Juſtice, and to inquere of ſuche Articles, Statuts and Cauſes as ſhall be gyven yowe in chardge, I doubt not but ye will endevour the Lawe may be duely executede, the Comen welthe maynteynede, and this Court diſcharged, according to the Confidence repoſede in his good Lordſhipe: And therfor ſtand together, and here yower Charge.

The Charge of the Werden-Courte.

Fyrſt, YE ſhall enquere of Martch-Treaſone; that is to ſay, where any *Inglyſhe* Man tryſtes or entercommoneth, or bryngeth in any *Scottes* Man to come into this Realme, in time of Peace or Warr, to do any Slaughter, to burne, robb, ſteale, or to do any other Offence within this Realme.

Alſo ye ſhall inquere yf any *Inglyſhe* Manne ayde, receipt, accompanye or ride with any *Scotts* Man comynge into this Realme, in doinge and Slaughter, burnynge, robbynge, ſtealynge or doynge any other Offence.

Alſo yf any *Inglyſheman* do gyve harberr, recet or convey any *Scotts* Man, after he haithe ſlaine, robbed, brynt or ſtolen within this Realme, in Bodye or Goodes, or otherwiſe.

Alſo ye ſhall inquere yf any *Inglyſhman* put furthe or ſupport any *Scotts Man*, in time of Peace or Warr, with anye Armoure or Artillarye belonginge to Warr, as Jacks, Splen-

tes, Brigandens, Coits of Playt, Billes, Halberdes, Battel-Axes, Bowes, Arrows, Speires, Dartes or any manner of Gunnes, as Serpentines, Half-hawks, Harquebuzes, Curryes, Colyvers, Handgunnes or Daggers, or enye other Armoure, Artilerye, or Engyns belonginge to the Warre, by reaſon and meanes wherof diſtruction of enye the Prynces Subjects might the rather enſewe and followe, without the ſpeciall Lyſence of the Lord Warden, for the time beynge, in Wrytinge.

Alſo yf any *Inglyſhman* haith put furthe, geven or ſould anye manner of Victuals, as Bread or Corne; That is to ſaye, Wheat, Rye, Bigge, Beanes, Peiſe, Oitts, Oitmeale, Malt, or any other Corne, or karked Lether, Yren, or any other Marchandiſe belongynge to Armoure or Artillerye, either by Watter or by Land, but onely to ſuche as have Lycenſe of the Lord Warden.

Alſo ye ſhall inquere yf any *Inglyſheman* haithe ſould or put away anye Horſes, Meares, Geldinges, Naiges, at any time in Fayres, Marketts, or otherwiſe, to any *Scottſman* or Woman, without Special Lycenſe of the Lord Warden in Wryteinge.

Alſo ye ſhall inquere yf any *Inglyſheman* haith attempted or done any thynge to the breakynge of Treige or Peace taken betwene the Quenes Majeſtie our Soveraigne Ladye and the *Scotts* Quene, or the Commiſſioners or Wardens, to the Subjects and Liegemen of the *Scotts* Quene, as, in killynge anye of theme, aſſaultinge, forreigne, or robbinge anye of theme within the Relme of *Scottland*.

Alſo, yf any *Inglyſheman* have murdered, aſſaulted, affrayed or robbed any *Scottſman* within this Realme, comynge in by thautory-

tie

tie of the Safe Conducte of the ſaid Lord Warden, his Deputie or Deputies.

Alſo yf any *Inglyſheman*, in the time of Warr, haith given knowledge or intelligence of any Exploit, Service or Inrode, intended or put in ure by the Lord Warden, his Officers, or any other *Inglyſheman*, in time of Warr.

Alſo, yf anye *Inglyſhman* have conveyed into the Realme of *Scotland* any of the Coine of Sylver or Gould, currant in this Realme, Playte or Bullyon, above xl *s.* at one time.

Alſo, yf any *Inglyſheman* haithe bewrayed the Counſell of any other *Inglyſhman* in doeing anye Annoyance to *Scotland*, in time of Warrs, in malice to the Partie, and Commoditie to himſelf.

Alſo, if any *Inglyſhman* of *Scottſman*, within this Realme interpriſe to coyne any Monye, ether of the Quenes Majeſtie, or the Coyne of any Forreyne Realme, and uttereth the ſame.

Alſo, ye ſhall inquere yf any *Inglyſheman* do convey or maike poyntement with anye *Scottſman*, or that triſteth or entercommoneth with theme by any manner of meanes, rideth or goeth with any of theme, and raiſeth no Fraye upom theme without Lycenſe of the Warden, his Deputie or Deputies, or with their Lycenſe to the Prejudice of this Realme; and what hurt cometh therebye from time to time.

Alſo, ye ſhall inquere yf any *Inglyſheman* receive or put furthe any *Scottſmen*, Pilgreymes or other; and them, with their Wrytinges and Monye, receetteth and kepeth without knowledge of the ſaid Warden or his Deputie, or otherwiſe then is accuſtomed by Order of the Lawe of Marches.

He that is Clerke of this Court muſt haive forſight and ſpecial regard to ſearche and lerne what Newe Lawes, Ordres and Statutes ar made from time to time, by any Act of Parliament, or at any Day of Martche, betwene the Lords Werdens of *England* and *Scotland*, concernyng any Lawe of Marches, or any other Cauſe inquirable in this Court, and adde the ſame to this Chardge.

NUM. II.

The Order to be obſerved in the Stewart-Court of Annandale.

1. IN *the firſt*, It is thought meet for the the Common-weell, and more eaſie Reformation of Wrongs amongſt the Subjects of the Realme, That ane of the Court-Clerks of the ſaid Stewartry ſit in the Tolbuith of *Lochmaban* ouklie, every *Thurſday*, beginning at eight hours in the morning, and remaining while three hours afternoon; accompanied with two or three Officers of the ſaid Stewartry, for directing of Precepts upon Complaints, as follows.

2. ITEM, It is appointed, That all Complainers ſhall conveen the ſaid day, at the hour appointed, in the ſaid Tolbuith, in preſence of the ſaid Clerk, and ſhew to him their Complaint; whilk being heard, and conſidered be the Clerk, he ſhall direct Precepts at the inſtance of the Complainers, charging the Offender to compeir, before the ſaid Stewart or his Deputs, the next Saturday thereafter, or Saturday come eight dayes thereafter, as beſt ſhall

ſhall pleaſe the Complainer, in the Tolbuith of *Lochmaban*, at ten hours, before Noon; To anſwer to the Complaint of ſic ane man, at his Perril.

3. ITEM, It is appointed, That upon Saturday being the Court-day, at ten hours, ane Bell to be knell'd, ane little ſpace, to give warning to all Complainers, to compeir in judgement; where they ſhall give in their Precepts to the Clerks, and in like manner, the Officers, Executors of the ſaid Precept, ſhall preſent themſelves, to affirm the Warnings: Providing allways, giff the Officer be ſick, or otherwiſe have lawful Impediment, wherethrow he may not be preſent to affirm his Arreſtment and Warning, his Endorſations upon the back of the Precept, ſhall have Credit, while the contrair may be truly proven.

4. ITEM, That all Actions concerning Chancellarie, as ſerving of Brieves, Entrie of Airs, Diviſion of Lands, and other Pleys concerning Heritage, proceed, and be decyded, according to the Common Law, and Practicque of this Realme, eſtabliſhed by our moſt Noble Princes of befor.

5. ITEM, It is appointed, That all Criminal Cauſes, ſic as Aſſiſters with *England*, Reſetters of them and their Goods, Committers of Murder, Fyre, Raviſhing of Women, Stouth, and ſic like, to be committed be themſelves, & before all others to be taken order with, be an famous and unſuſpected Aſſize, according to the ancient Laws of this Realme.

6. ITEM, in caice the Party Offender compeir not, the Officer approving lawfully his Warning, it ſhall be written upon the back of the Complainer's Precept, ſic ane day of

the Moneth, that the Precept was called, and the Defender not compeired. The ſaid Precept this ways noted, to be given again to the Complainer, and he to give it to an Officer; the whilk Officer ſhall arreiſt the ſaid Defender of new, to the next Court, as the Second Court. The ſaid Offender being called in the Second Court, conform to the firſt Order, and not compearand, his Arreſtments being lawfully proven; The principal Stewart, or two of his Deputs, ſhall direct ane Charge, ſubſcribed with their hands, requiring the Lord or Laird on whoſe Ground the ſaid Abſent dwells upon, to enter him in the nixt Court, as the Third to wit, before the ſaid Stewart and his Deputs, according to his Bond. The whilk, if the ſaid Lord or Laird of the Ground, failzies to do, the Officer approve and, lawfully be his Aith, that he charged the ſaid Baron perſonally, or at his Dwelling-place, to enter the ſaid Defender after the Tenor of the ſaid Precept, ther ſhall be ane other Charge given, and ſubſcribed as ſaid is, charging the ſaid Baron to anſwer the ſaid Man complaint upon, at the nixt Court, as the Fourt Court; To anſwer at the inſtance of the Complainer, certifying the ſaid Baron, giff he enters not the Defender, or before the ſaid Court-day, puts not his Bond to Execution, that is, to remove the ſaid Abſent, his Wife, Bairns, Corn, Cattell, and Goods off his Ground, without Colour thereafter to have reſidence, or reſett, on the Ground, or any others his Lands, he ſhall pay all Complaints that has been complained on that Man, with the Expences the Compleaner has made in Purſuit of this Cauſe. And further, ſhall be declared unto our Soveraigne Lord, that he has

not

not fulfilled his Bond, and to be puniſhed at his Highneſs Pleaſure for the ſamen. And giff the ſaid Baron preſents him at the Third or Fourth Court, he ſhall not be heard, but be very lawful Excuſe, unto the tyme that he pay all manner of Coſts to the ſaid Complainer. And giff he preſents him not, and has not put his Bond in Execution, then the Aith of the Compleaner ſhall be tane in judgement at the Value of his Complaint, with the Expences wared by him in purſuit thereof. And thereafter, a Precept ſhall be directed in the Queen's Majeſtie's Name, and the Stewart's her Officer, and ſupſcryved be the ſaid Stewart or his Deputs, commanding ane Officer to paſs to the proper Goods of the ſaid Lord, or Laird, who was this ways charged of before, and poynd and arreiſt the ſamen, for ane Summe as the Complainer has made faith upon, with the Officers Fee for compryſing; and failing of his moveable Goods, his Lands to be compryſed for the ſamen. And if the ſaid Offender or Offenders remains on his Lands, fra thenceforth, the ſaid Baron ſhall be holden to make anſwere for all theſe Complaints given in upon him, ſo long as he dwells or keep reſidence on his Lands, and ſwa for not obſerving of his Bond, to be complained upon to the Queen's Majeſty, and he at her Highneſs Pleaſure to be puniſhed therefor, conform to the General Bond. And the ſaid Offender, in this manner being abſent, to be proclaimed fugitive, at the Mercat-Croſs of the Shyre.

God Almighty give Grace this Order may be keeped on the Weſt-Marches, *and Increaſe of his Pleaſure, and Common-weel of the ſamen.*

FIRST,

FIRST, The Houſe of *Annand* to be keeped with ane honeſt Man and Wife, and he to be Warden-Depute, and to hold with him xvi well Horſed Men, and thir men to be called the *Houſhold*: For their ſuſtentation every one of them to have 100 M. 4 *Nithiſdale* Bolls of Horſe-Corne. This Money to be up-taken be *Dundrennan*, and the Horſe-Corne out of the Maines of *Lochmaben*, and the Houſhold to have the Eſcheats of *Annandale*: That the Captain of them can ſpeire firſt before the Conſtable of *Lochmaben*, and ſhall give Advertieſment thereof to the ſaid Conſtable, that he ſhall not travel therefor. This Captain ſhall have 200 M. of the ſaid Summs, and viij Bolls of Horſe-Corne, and two Men's Parts of the Eſcheats, and ſhall be Warden-Depute; and before him all things of the Wardenry that concerns the Warden's Office, ſhall appeir; that is, principal, all things that *England* may have intereſt with, that no man paſs into *England* without he be privy to it. And that ſicklike, he be privy to all Geir tane in *England*, to ſee that none be unlawfully. And ſicklike, that none come in *Scotland* but be him, and that he know the cauſe of their coming: All Bills and Redreſs of Marches to be done be him, the unlaw of their cauſes to be tane up be him, and to be imployed upon the caſting of Strengths on the Marches, and ſpeciallie above-command while it be ſufficient.

The Houſe of Howdam.

TO be keeped with ane wiſe ſtout Man, and to have with him Four well Horſed Men, and thir to have Two ſtark Footmen Servants

Servants to keep their Horſes, and the principal to have ane ſtout Footman. Thir Men to have Horſe-Meat, and their owne Meat in the Place honeſtly; and every one of them to have 10 *lib.* of Feall to keep ther Claiths, and the principal 20 *lib.* This Man to have ane Rental given him of the haill Lands of *Annandale*, belonging to the Lord *Maxwell*, and the Houſe of *Terregles*, to be Chamberlain to their haill Lands, and to uplift their haill Dutys: And that all men dwelling on the ſaids Lands ſerve with him at all times, when they ſhall be charged; He, as cauſe requires, to give advertiſement, to in-put, and remove, as he thinks occaſion, Servants; And to cauſe the Maines of *Howdam* to be occupyed, and to intromet with the Teinds of the Kirks of *Howden*, *Trailtrow*, & *Caſtlemilk*, and the Milne and Fiſhing of *Howden*; and to hold Courts on the haill Lands as he ſhall think good; The unlaws thereof to imploy it principally on the caſting of Strengths betwixt *Howden* and the Border. This Man neither to be Warden, nor Stewart-Deput, but aſſiſt them as need ſhall require, and he bee's charged; and that ane wiſe Footman ever be ordain'd to remain in the Houſe when the Chamberlain is forth of it; and never let man come in the Tower in his abſence, but them whoſe Names ſhall be given him in writing, and that he aſſuredly take heed, that the Watch-houſe of *Trailtrow* be keeped be the Watch thereof: And in the time of Warfare, the Beaken, as is deviſed, that is ever in Weir and in Peace, the Watch to be keeped on the Houſe-head; and in the Weir the Beaken in the Fire-pan be keeped,

and

and never faill burning, ſo long as the *Engliſhmen* remain in *Scotland*; and with ane Bell to be on the Head of the Fire-pan, which ſhall ring whenever the Fray is, or that the Watchman ſeing the Thieves diſobedient come over the Water of *Annand*, or thereabout, and knowes them to be Enemies; and whoſoever bydes fra the Fray, or turns again ſo long as the Beaken burns, or the Bell rings, ſhall be holden as Partakers to the Enemies, and uſed as Traitors to the Head-Burgh of the Shyre, upon ane Court-day, and thereafter intimation made in the Pariſh-Kirk, and publiſhed on ane *Sunday*, in preſence of the People, and fra thenceforth to be uſed as a Fugitive, and diſobedient Perſon: And whoſoever gives Meat, Drink, or reſetts and maintains the Fugitive, or Fugitives, ſhall be compelled to make anſwer for them, according to the Lawes of this Realme, made for the Reſett of Rebells; and ſhall make payment to the Complainers of all Skaith committed by the ſaid Rebells or Fugitives in the mean tyme, and every Tenant of the Ground ſhall anſwer for his Sub-Tenant.

ITEM, For the further Knowledge of plain Truth, in every Cauſe, it is ordained, That every Man by himſelf, or his Procutor, ſincerely declare the plain Verity of the Action he ſpeaks into; and giff it be found that he lyes for the furtherance of his own Cauſe, and being ſufficiently warned to remember himſelf; the wilfull Lyar, in hinderance of Juſtice, abideing at the ſamen, ſhall not be heard thereafter, but his haill Cauſe to be thought unjuſt.

FARDER, It is ordained, that the Clerk ſhall have noe mair, but ane Penny Sterling, or Plack, for his Precept, and ſick-

like

like for the Drawing of his Act, when it ſhall be required be the Pairty. And the Officer for every Myle he rides or gangs, in Arreiſtments, to have 2*d. Scots*, if it cannot be eaſilie geet with him: And in tyme of Poynding upon Acts of Condemnation, to have his Duty of the Offenders Goods, according to the Lawes and Practique of this Realme. And neither Clerk nor Officer being lawfully required, refuſes none of our Soveraign Lords Leidges in execution of their Office for the Payment above-written, under the pain of Puniſhment of their Bodies, and Tinſel of their Offices. And giff the ſaid Stewart or his Deputs, or any man landed, rydes in execution of his Office, or of diſcharging of the Lands in Apprehenſion or Puniſhment of Thieves, and other Malefactors, giff any of the ſaids Thieves and Malefactors Kinn, Friends, or Alleyes, or any other Subjects, aſſiſt to the ſaid Fugitives, be helping them away in privie manner, he ſhall anſwer for the ſaids Offenders, and be puniſhed for his Deads: And if any of the ſaids Malefactors Kinn, Friend, or Alley, or any other Subject, openly reſiſts, and ſchants, the ſaid Stewart or Baron, ſwa in doing and execution of their Office and Bond, they that make ſwa plain Reſiſtance in any time hereafter, it ſhall be repute to them as Treaſon and called therefor, and their Lands to be forfaulted be lawful Proceſs, to be led before our Soveraigne Juſtice, or his Stewart, as ſhall pleaſe his Majeſtie to give Commiſſion.

AND FURTHER, Giff any Subject within this Weſt Wardenrie, be is lawfully warned, either be Advertiſement, Beaken, or open Fray, that *Engliſhmen* has ſpuilzied his Neighbours, and cues not diligence

after

after his power for Reſiſtance of the ſamen, and Annoyance of the Enemies or Thieves, ſhall be holden as participant with them, and compelled to pay the Goods his Neighbour wants at his Power, and his Body puniſhed as a Favourer of the Thieves, without his Excuſe may be found right reaſonable before the Warden, or afterwards.

The Houſe of Lochmaban.

TO be keeped by ane wiſe and famous Gentleman, and he to have with him five well Horſed Men, and to be Stewart Deput, and hear and order all Civil and Criminal Cauſes belonging to the Office of Stewartrie, and for more pains to decern what belonged to the Stewarts Office, and what to the Wardenrie, all things that *England* has Intereſt within, or may rynd unto them, alſe well for redreſſing of Attemptats, as Reformation amongſt the Subjects that has offended to *England*, is the Wardens Office. Firſt, that he obſerve perfectly the Order given, and charge him within the Stewart-Court Book; whilk Book and Order, under God, and his Prince on Earth, is the chief Ground, whilk is alſe weel for receaving of Complaints on *Tueſday* be the Clerk, but alſo for the Court holding and ordering of the ſamen on *Saturday*. And that every Landed Man anſwere for his own Men. I pray God it may continue.

He ſhall have for his Feal and Mentinence of his Servants 100 *lib.* of Money, given him yearlie by the Chamberlain of *Hewdam*, at

Whit-

Whitſunday and *Martinmaſs* equally; He ſhall have the Tack of the Kirk of *Lochmaban*, payand the Parſone, and reſerving the Teyndes of the Maines, *viz.* Hek and Uſee be ſold to the principal Stewart to keep his comeing, and alſo obſerving the Tacks ſet to the Parochiners, of before, and the Feal we have given to the Laird of *Howmaines*; He ſhall have the Maines betwixt the Kirk of *Lochmaban* and the *Milne*, and the Work of *Heitaith* and *Smallholme*, with the Meadowes and Foggage, Poultree, Fouls and Peits, He ſhall have the Fermes of the Maines of the Hek and Uſee beſeld xxxii *lib.* Aits great meaſure; he ſhall have the Fiſhing of the *Lowes* and *Hietaith*, provided that the ſaids two *Lowes* be reaſonably handled, and keeped in ſtore of Fiſh, as they are at this preſent. He ſhall cauſe gather the *Laidner* Mairts upon the principal Stewarts Expences, and ſhall have them all at the place of *Lochmaban* yearly upon an *Hallow-Even*, and the principal Stewart is to taik his Weil of the half of them, and he to have the other half. He ſhall have the Eſcheats he ſpeirs out himſelf, giving Advertiſement to the Captain of *Annand* firſt, that he has ſpeired them out, providing that giff the Perſons that aught the Eſcheats will find ſovertie he ſhall make anſwer to the Lawes, and his Gier likewiſe, that neither the Stewart depute, Conſtable foreſaid, nor yet the Captain of *Annand* Warden depute, ſhall not intromet with his Gier, but lay it under Soverties, as ſaid is, and there called and tryed in the Court, before the Judge and Barons, and that it be found truelie, and of good Conſcience to be eſcheat, or it be tane be either of them, the Unlawes of the Stewart Court to be uptane and imployed upon the

Strength

Strength of the *Marches*, and ſpecially to uphold the Dykes of *Annand*, and all other places needfull. This Conſtable neither to intromet with Money, nor other thing, but as is here given him power, in the Maines, nor other place.

AND that they in all needful Cauſes concur together. And that if any of them failzies in execution of his Office duely as an honeſt man, to be removed; or if he dies, the Lord *Maxwell*, or that he that has the Houſe of *Terregles*, conveen xii of the wiſeſt of their Friends with the other that is on life ſwa be, and choice ane man meeteſt for ſupplying of the ſamen; and that within the ſpace of xv dayes at the furdeſt, and the Wife and Bairnes of him that his dead, be put to their awn ſtedding, giff they have; giff not, and they have honeſt Servants, that ane place be provided for them, convenient for their Eſtate, within *Nithiſdale* or *Galloway*, wher the Youth may be brought up.

ITEM, The Lairds of *Howmaines* and *Newbie* be over the Helpers, Aſſiſters, and Maintainers of them, *viz.* the Laird of *Howmaines* the Stewart Depute, and therefore to have the Teynds of *Smalholme* yearly, and the Laird of *Newbie* to the Warden depute, and therefore to have 50 M. given him yearlie of *Drumdanane*, as their Tacks ſpecifies, at this preſent. Therefore they to be called the Deputes with the aſſiſtance of other Famous and Wiſe Gentlemen of the Countree of *Annandale*, as is needful.

NUM. III.

The State of the *English* Borders. *Anno* 6. *Ed.* VI. in ſeveral Letters from *Thomas* Lord *Wharton* (Lord Deputy-Warden-General) to the Duke of *Northumberland*, Warden of the ſaid Marches, or Borders.

TO YOUR GRACE, RIGHT MIGHTY *Prince*, John *Duke of* Northumberland, *Earl of* Warwick, *and Earl Mariſhall of* England, *Viſcount* Liſle, *Baron of* Somery, Baſſet *and* Tyaſſe, *and Lord of* Dueley, *Great Maſter and Steward of the Kings Majeſties moſt Honourable Houſhold, and Lord Preſident of his Highneſs Privy Council, and Governour or Warden Generall of all the Marches of* England *foranent* Scotland.

FOraſmuch as it pleaſed your Grace in the Months of *July* and *Auguſt*, in the Sixth Year of our moſt Famous Soveraign Lord King *Edward* the Sixth, to travel along the three *Marches* of *England* anent *Scotland*, In which Travel your Graces moſt Prudent Commandments given to all your Graces three Deputy Wardens, on the Eaſt, Middle and Weſt *Marches*, for redreſs of the haynous and great number of Attemptats committed in this Realm by the *Scotts* againſt the Treaty, and of your Graces Orders in all the ſeveral Courts of *Oyer* and *Terminer*, or *Warden-Courts* kept at the Towns of *Newcaſtle*, *Alnewick*, and *Carliſle*,

Carliſle, miniſtring Juſtice in your own Perſon, and with your Graces Council, beſides your Graces Knowledge and deep Conſideration of the Fortreſſes made, and then at *Berwick* making, and the Grounds on the Eaſt, *Middle and Weſt Marches*, with the late Debateable Land, all viewed and ſeen by your Grace in that Journey. At which inſtant the great Diſorders crept in, the Fortreſſes not for the beſt appointed and furniſhed, the *Marches* generally ſo weak and not ſtrong, that without the ſame careful Journey and moſt noble Proceedings, over great inconvenience was very like haſtily on theſe *Marches* to have enſued, which was by your Grace avoided to the Kings Majeſties honour, and now thereby is more eaſie to be preſerved. The like of ſuch a painfull, carefull and moſt noble Journey by any Subject of ſuch Authority heretofore hath not been ſeen on all theſe *Marches* with any now living. And as the Kings of this Realm hath been at great Charges on thoſe *Marches*, and nevertheleſs thoſe Subjects and Countries overrun and ſpoiled in Warr and Peace, even ſo is it neceſſary and convenient that your Graces good Examples and Knowledge be had in mind, and to be proſecuted, your Graces ſaid good Examples, moſt Prudent Doings, and moſt Wiſe Exhortations have inſtructed me the Lord *Wharton*, whom it pleaſed your Grace to chooſe and appoint to be your Graces Deputy-Warden of the ſaid *Marches*, as appeareth by the Kings Majeſties Letters, of the date at *Hawlenaker* the 30*th* day of *July*, in the Sixth Year of his Highneſs moſt gracious Reign, delivered to me at *Newcaſtle* the 12*th* of *Auguſt*, with your Graces own Hands, to write certain Remembrances here-

hereafter following, which I humbly preſent unto your Grace, beſeeching your Grace to conſider the Effects thereof, as ſhall ſeem to your Graces Noble Wiſdom convenient. Experience ſheweth ſome part of them to be for the Commonwealth of the Martches, as my truſt is, ſundry the others will be for a more ſtrengthy Surety and Common Wealth of all the ſaid Marches, with the experimenting of the ſame; and that it may pleaſe your Grace to take at this time theſe of my little continuance and knowledge made upon your Graces ſaid Good Exhortations, and to take alſo my pooreſt Service to the Kings Majeſty under your Grace to be with an Obedient Heart to his Highneſs, and a love to the increaſe of your Graces Honour.

ARTICLES *deviſed at* Newcaſtle, *the* 12*th and* 13*th of* September, *in the* 6*th Year of the Reign of our Sovereign Lord King* Edward *the Sixth.*

AT conſultation there, it was thought good by the Lord *Wharton*, Lord Deputy Warden General, the three Deputy Wardens, with the Captains of *Carliſle*, *Norham*, *Wark* and others, wiſe and moſt expert Gentlemen of all the three Martches, for better Service of the Kings Majeſtie, to the preſervation of the Commonwealth, Peace and Quiet of the Frontiers, that theſe Articles ſhould immediately be put in execution.

FIRST, That Watches be appointed for the Inhabitants of the ſaid Marches, and the Places, with the Numbers of the Watches

and others Orders for the ſaid Watch, with Setters, Searchers and Overſeers, to be written and appointed in as convenient time as may be, and unto the ſame be ſet forth the Generall Watch to be kept from henceforth nightly, according to the Ancient Cuſtoms of the Marches.

ALSO, That every Man do riſe and follow the Fray, upon blowing of Horn, Shout or Out-cry, upon pain of Death.

ALSO, That no Man recept, harbour, lodge, or by any wayes and means aid or comfort any Rebell, Fugitive, Felon, Murderer, *Engliſheman* or *Scottſman*, or practice with them, upon pain of Death.

ALSO, That every Gentleman and Subject give information of any Thief or Receipters of Theft, to their knowledge, to my Lord Deputy Warden Generall, or to the Deputy Wardens of the *Marches*, or to the Sheriff of the County where the Gentleman or Subject dwelleth.

ALSO, That no man practiſe with Rebell, Thief nor Murderer, but that the ſame be opened to my ſaid Lord Deputy Generall, and that all ſuch Practices as hath been uſed by any of the Subjects with ſuch Offenders, within one Year next before this Conſultation, be in like manner informed to my ſaid Lord Deputy Warden Generall, within 20 days after this Conſultation.

ALSO, That all Dayes of Marches appointed be kept, and none to be broken nor put over of any theſe three Martches of of *England*, and all the Marchers to attend their Deputy Wardens at the ſame and others their Commandments, according to their Duties.

ALSO,

ALSO, That every Deputy Warden ſhall within ſeven dayes give in Writing all the Attemptats committed aſwell againſt *Scotſmen* as againſt *Engliſhmen*, to my Lord Deputy Warden Generall, or one of the Wardens within their own Offices.

ALSO, That all other Officers, Captains and Gentlemen, ſhall demure and dwell upon their own Offices, and at their own Houſes, within 20 dayes after this Conſultation; if any now be abſent from the ſame.

ALSO, That no Subject ſpeak with any *Scotſman*; except upon Licence ſo to do, of my Lord Deputy Warden Generall, or of the Deputy Wardens within their own Offices.

ALSO, That every Captain and every Officer and Gentleman ſee their Soldiers and Tenants, and ſuch as are under their rule, be well horſed immediately, according to their Duties and Powers.

ALSO, That every Officer and Gentleman at this Conſultation ſhall give knowledge to their Soldiers, Tenants and every Subject under their Rules of theſe Orders for the firſt Device and Appointment at this Aſſembly, to the intent every Subject may uſe himſelf accordingly, and not for want of knowledge to run in ſuch pain as will be unto him or them for not doing of theſe or any others againſt the Commonwealth of the Country, or againſt the Peace and Ancient Cuſtoms of the *Marches*.

The NAMES *of the Noblemen and Gentlemen at this Conſultation.*

THE Lord *Wharton*, Lord Deputy Warden Generall.

Lord *Eure*, Deputy Warden of the *Eaſt Marches*.

Lord *Ogle*, Deputy Warden of the Middle *Marches.*
Sir *Thomas Dacre*, Deputy Warden of the Weſt.
Sir *Richard Muſgrave*, Captain of *Carliſle.*
Mr. *Dunye*, Deputy Captain of *Berwick.*
Sir *John Horſley*, Captain of *Bamburge.*
Richard Bowes, Captain of *Norham.*
Thomas Carr, Captain of *Wark.*
John Muſgrave, Captain of *Bewcaſtle.*
Thomas Gower, Mariſhall of *Barwick.*
Sir *Thomas Gray*, Sheriff of *Northumberland.*

Sir *John Widdrington*,
Sir *John Dalovell*,
Sir *George Rattcliff*,
Sir *John Foſter*,
} Knights.

William Penington,
John Preſton,
Robert Collingwood,
William Swinow,
Robert Conſtable.
} Eſquires.

Albany Fetherſtonhalſe.
Cuthbert Horſley.
William Bukden.
John Bednell.
William Conyers.
Robert Thirlway.
Nicholas Ridley.
John Shaſtow.
Robert Lyſle.
John Medfurth.
Lancelot Lyſle.
Thomas Erington.
Anthony Medfurth.
Chriſtopher Medfurth.
John Muſgrave.

John

John Ogle.
John Dalovell.
Robert Baines.
William Strother.
Gilbert Swinow,
Thomas Carlyle.
Thomas Rotherforth.

The ORDERS *of the Watches upon the* Weſt Marches *made by my Lord* Wharton, *upon the Inſtructions aforeſaid, as the Deputy-Warden of the ſame, at* Carlyſle; *in the Month of* October, *in the Sixth Year of the Reign of our Soveraign Lord, King* Edward VI.

FIRST, BEginning at the foot of *Levin*, and ſo up *Esk* to *Liddiſdale*; in *Esk*, Eight ſeveral Watches to be appointed, and in every Watch two Men.

FROM the Foot of *Liddiſdale* to *Haithwayteburne-fall* in *Ledell*, three ſeveral Watches; and in every Watch two Men, *Richard Graybame* and his Aſſociats, having the King's Highneſs Grants in theſe Places, nightly to appoint the Grounds and Places moſt needfull to be watched within the ſaid Bounds; and theſe Watches nightly to be ſearched by the appointment of the ſaid *Richard* and his Aſſociats, by two Men.

FROM *Hathwateburne-foot* unto the foot of *Cryſſop* five ſeveral Watches, and four Men in every Watch, and theſe Watches nightly

to be ſearched by two Men appointed at the Aſſignment of *John Muſgrave*, the King's Highneſs Servant.

FROM the foot of *Cryſſop* unto the head of *Cryſſop* three ſeveral Watches, and in every Watch four men; whereof one to be at *Craig-hill-foot*, and the other two beneath, and the Searchers for every Watch nightly to be appointed by the ſaid *John Muſgrave*.

A Watch to begin at the head of *Kirkbeck* and go to the foot of *Kirkbeck*, four ſeveral Watches, and in every Watch two Men, the Dwellers of both ſides of *Kirkbeck* to watch theſe 4 Watches, and two Searchers, one thereof nightly to be appointed by the Land Serjeant of *Gilliſland* for the time being; and the other by the above named *John Muſgrave*.

FROM *Kirkbeck* down *Levin* to *Harperhall*, four ſeveral Watches; two men in every Watch, one half of either ſide *Levin* Water, nightly to be appointed by the ſaid Land Serjeant and *John Muſgrave*, and two Searchers for the ſame.

FROM *Harperhill* to *Raborn-fall* in *Levin* two ſeveral Watches, and two men in every Watch, with Searchers, likewiſe to be appointed by the Land Serjeant and *John Muſgrave* foreſaid.

Aglyonby, *Holmend*, and *Warwick*, to watch nightly Three Perſons: *Warwick* Watch, Searchers thereof nightly to be appointed by the Bailiffs.

Waddrels, *Cotthill*, *Corby* and *Combynton*, to keep nightly Three Fords, called, *Brokelwath*, *Granywath*, and *Monkwath*: Four nightly at *Brokelwath*, and Two nightly at either of the other two Watches; and two Searchers nightly to be appointed by the Bailiffs

liffs and Conſtables, *Thomas Salkeld* Overſeer of the ſaid Watch and Searcher there.

Corby Minor, and *Brigend*, to watch nightly *Warwickbridge*, and the Ford beneath the Bridge; and two Searchers nightly to be appointed by the Bailiffs and Conſtables to ſet and ſearch the ſame Watch.

Ormesby and *Moresthwate* nightly to keep *Longſtroble* Watch, and *Doreſtreme*, with two Perſons.

Ainſtably, *Armathwate*, *Nuncloſe* and *Fledelcruke*, to keep nightly *Payt-watch* with Four Perſons; *William Skelton*'s Bailiffs and Conſtables to appoint nightly to ſet and ſearch the ſaid Watch.

FOUR Fords upon *Raven* to be watched by *Kirkoſwold*, *Laſinby*, *Glaſſenby*, *Little Salkeld*, *Ullesby*, *Melmorby*, *Ranweke* and *Harskew*, at every Ford nightly four Perſons: And the Searchers to be appointed by the Bailiffs and Conſtables upon the Overſight of *Chriſtopher Threlkeld*, the King's Highneſs Servant.

UPON *Blencarnbeck* are five Fords, to be watched by *Blencairn*, *Culgarth*, *Skyrwath*, *Kirkland*, *Newbigging*, *Sourby* and *Mylburn*, at every Ford four Perſons: Bailiffs and Conſtables to appoint Searchers, Overſeers, *Chriſtopher Crakinthorpe*, and *Gilbert Wharton*, the King's Highneſs Servants, *Dufton*, *Merton*, *Kirbyburknok*, and *Mylburn-Graunge*, to keep the ſaid Watch nightly.

FROM the Head of *Cardewmyer* to Little *Dalſton*-Barrs, the Lordſhip of *Dalſton*, to watch and keep the Biſhop-Dyke according to their ancient Cuſtom in the ſame.

FROM Little *Dalſton*-Barrs to the Milnham-head of *Carliſle*, *Blakell*, *Blakelwood*, *Brocelſtain*, and two *Comerſdells* to keep the

Bounds and Fords thereabout: *Thomas Dalſton*, the King's Highneſs Servant, to overſee and ſet the Watch, and ſearch.

FROM *Laurence-Holm* to the *More-houſe*, *Laurence-Holm* and *Ulton*, to keep Watch nightly.

FROM *Weſtwample*-Bridge, to the Foot of *Shanks*, *Roſſwen*, *Murethwayt*, *Woodſyde*, and *Kirkwayth*, at every Place four Men: To be appointed nightly by *Robert Briſto*, the King's Highneſs Servant, and *Richard Studholm*, and in like wiſe the Search to be appointed by them.

FROM *Murehouſe*, to *Weſtwample*-Bridge, *Murehouſe* and *Dockry*, to watch.

FROM *Raburn*, down to the Foot of *Levin*, Six ſeveral Watches, and four Men in every Watch, to be charged to keep that Watch, *Kirklinton*, *Hotherſgill*, *Soulby*, *Auſtenby*, and thoſe that dwell on the out-ſide of *Levin* to help them in thoſe Watches, the Searcher thereof to be appointed by *Richard Philipſon* Ruler of *Scaleby*, *Edward Story* Warder Serjeant, *George Hetherington* the King's Bailiff, and proud *Dyke Grame*.

FROM the Foot of *Irding*, to the Foot of *Gelt*, four ſeveral Watches; *Overcrosby* the *Wall*, *Lyverſdale* and *Irdington* to keep theſe Watches nightly, at moſt doubtful and needful Places: The Bailiffs and Conſtables to appoint Searchers for theſe Watches; Overſeer thereof *Thomas Blaneraſſet*, the King's Highneſs Servant.

FROM *Irdington* upon *Irding* unto *Poutroſs*, Ten ſeveral Watches, and in every Watch four Men; with Searchers nightly, to be appointed by the Land-Serjeant of *Gillyſland*, for the time being, to be watched by the Inhabitants near thereabouts.

THE

THE Foot of *Gelt* unto *Caſtle-Carrick*, three ſeveral Watches, and four Men in every Watch; to be watched by *Felton* and *Haton*; and the Searchers nightly to be appointed by the Land-Serjeant, the Bailiffs and Conſtables there.

FROM *Caſtle-Carroke* to *Stamford*, above *Braunybank*, four ſeveral Watches, and three Men every Watch; to be watched by *Taken*, *Caſtle Carroke*, *Cumrew*, *Newbigging*, and *Abbefield*, by Searchers to be appointed nightly by the ſaid Land-Serjeant and Bailiffs there.

Etterby Watch, and the Watch at the *Hogill*, to be watched by *Staynton*, *Herriton*-Houſes, *Caldyate*, and *Etterby*, and four nightly to keep theſe Watches. The Bailiff and Conſtables to ſet and ſearch the ſaid Watch; Overſeer *William Mulcaſtrie*.

Stanwyx and *Richargate* nightly to be appointed two Men to watch *Edenbridge*, and the Watch beneath the Bridge; the Bailiffs and Conſtables to ſet and ſearch the ſaid Watch nightly.

Houghton, *Terreby*, and *Brunſketh*, nightly to watch from *Brunſketh-beck* to *Goſlingſyke*, with four Perſons by night: The Bailiffs and Conſtables to ſet and ſearch the ſaid Watch nightly.

Richardby, to watch nightly *Richardby*, and the *Staynholm* Watch with two Perſons: The Bailiffs and Conſtables whereof to ſet and ſearch the ſaid Watch nightly.

Lynſtoke, *Walbye*, and *Amerſholme*, nightly to watch *Lynſtoke-Watch*, and the Ford at *Biſhopgarth*, with four Perſons, Searchers thereof nightly to be appointed by the Bailiffs and Conſtables.

ITEM, *Neither-Crosby* to keep the Fords to *Warwick-Watch*, with two Persons nightly.

The Barronry of Burgh.

Cardronocke shall watch to *Bowness*,
Bowness to watch to *Glasson*,
Glasson to *Drumburgh*,
Drumburgh to *Eston*,
Eston to *Burstedhill*,
Burstedhill to *Langburgh*,
Langburgh to *Dykesfield*,
Dykesfield to *Burgh*,
Burgh to *Beaumont*,
Beaumont to *Kirkanders*,
Kirkanders to *Grymsdale*,
Grymsdale to the *Hogill* and *Grimsdel-Watch*.
Aikton to *Whytrigg*.
Whytrigg to the *Lathes* and *Wampoll*.
Wampoll to *Finlarigg*,
Finlarigg to Little *Banton*,
Little *Banton* to *Ughterby*,
Ughterby to *Kirkbanton*,
Kirkbanton to *Thrustenfield*,
Thrustenfield to the *Morehouse*,
The *Morehouse* to *Wylmorby*,
Wylmorby to the *Borow*,
The *Borow* to Little *Orton*,
Little *Orton* to Mekle *Orton*,
Mekle *Orton* to *Ortonrigg*.
Ortonrigg to *Bawdingholm*,
Bawdingholm to the *Meklehouse*,
The *Meklehouse* to *Thursby*,
Thursby to *Whynno*,
Whynno to *Croftone*,
Croftone to *Meklethwayte*.
Mecklethwayte to *Parton*,
Parton to *Drumlyning*,
Drumlyning to *Gamlesby*,

Gamlesby

Gamlesby to *Acton*,
Acton to *Wygynby*,
Wygynby to *Thornby*,
Thornby to *William Carudders*, with the *Woodhouses*, to keep that between them and the *Woodhouses*.

And the Flat between them and *Banton*. Bailiffs and Conſtables to ſet and ſearch theſe Watches, within the Baronry of *Burgh*; Overſeers *John Leigh* the King's Highneſs Servant and Steward, with *William Threlkeld* Bailiff there.

Brunsketh beneath *Rocliff*, to keep and watch the *Stainwath* and *Irelandwath*: Bailiffs and Conſtables to ſet and ſearch, at the over-ſight of *Robin Grame*. *Peter Grame*, and his Servants, to keep the *Laygrake*, and the Ford of the *Eſgarth* there nightly.

Roclyff to keep between them and *Cargo*, and *Garwath*; *John Leighe*, the King's Highneſs Servant, and *William Threlkeld*, Overſeers thereof.

The Lordſhip of the Holme-Cul-Trayne.

Augerton to keep Watch from *Kirkbryd* to to *Augerton*; *Newton* to keep Watch from the Moſs-ſide to the Town, and from the Town to the Sand.

THE *Sallcotes* to keep Watch from the *Sallcott* to the Water of *Waver*; *Moſs-ſide* and *Sletholme*, to keep Watch from the Weſt Myer to the *Sallcottes* nightly.

Raby to keep watch from *Raby-Rigg* Syke, to *Wetholm*-Gate.

Swynſty to keep watch from *Cromekbridge*.

Sutterfield to keep watch;

AND the *High-Laws* to keep watch at the *New-couper-Cauſey.*

Dumbmylne, *Sathowe*, and Old *Mawbray*, to keep watch from the *Dubmylne*, to the Eaſt-end of Old *Mawbray* Lands.

NEW *Mawbray*, to keep watch from *Frankhill* to *Mawbray-becke.*

Mawbray-becke, and the *Godyhills*, to keep watch from *Mawbray-becke* to *Ulſty.*

Ulſty and the *Ternes* to keep watch from *Ulſty* to the *Leys.*

Blatter-Leys to keep watch from the *Leys* to *Selythe.*

Selythe, *Harrigge*, and *Dryholme*, to keep watch from *Selythe* to the *Eſtcote.*

Skynburneyes and *Pellathow*, to keep watch from the *Eſtcote* to St. *John's* of the Green.

Sulwath, *Dalway*, and the *Foalſyke*, to keep watch from the *Sulwath* to *Troderſike.*

Myrehyde and *Chriſtopher Haryske*, with his Neighbours of *Whynnycloſe*, to keep watch from the *Staryhill* to *Troderſike.*

Brownrigge and *Sewell*, to watch from the *Brownrigge*-Kiln to the *Stary-hill.*

Sauden-Houſe and the *Albay-Cowper*, to keep watch from *Brownrigg*-kiln to the *Caſtle-hill.*

ALSO, Upon the Water of *Petrell*; from *Carliſle* to *Petrellwray*, Bailiffs and Conſtables there with the Overſight of the Gentlemen of the layte Prior of *Carliſle* for the time being, or the Steward of the Lands.

AND from thence to *Plompton*, Overſeer of the Search and Watch nightly, *John Skelton* of *Appletrethwayte*, and *Thomas Herrington.*

Ednell and *Dolphenbye*, Sir *Richard Muſgrave* Knight, Overſeer, his Deputy or Deputies.

Skelton and *Hutton* in the Forreſt, Overſeers thereof, *William Hutton*, and *John Suthake*.

Newton and *Caterlen*, *John Vaux* Overſeer nightly.

Gaytskaile and *Raughton*, Overſeer thereof *Chriſtopher Muſgrave*.

Ivegill, *Brathwayte*, *Myddleskew*, with the Cloſes; Overſeers thereof *Launcelot Lowther* Conſtable of the *Yvegill*, and *John Hutton* Steward of *Middleskew*, or their Deputies; and for the Search of the Watches of all the King's Highneſs Lands, called the *Queen's Hamss*, the Steward there, his Deputy or Deputies, nightly.

FROM *Dalſton* to *Caldbeke*, *Richard Bewley* Overſeer; and from *Caldbeke*, the Steward there, his Deputy or Deputies, Overſeers.

FROM the Barrony of *Grayſtock*, the Lord *Dacre*, his Steward, Deputy or Deputies, Overſeers.

AND down between that and the Water, unto *Wampoll*, the Steward, Mr. *Foſter* of the Forreſt, their Deputy or Deputies.

AND between *Waver* and *Aill*, as thoſe Waters joyns with the Lordſhip of the *Holme*, *Thomas Salkeld*, *William Porter*, and *Gabriel Heymoor*, Deputy-Bailiff of *Allerdaill*, Overſeers; and *Richard Eglysfield* the King's Highneſs Servant, Overſeers of them and all that.

BETWEEN *Aill* and *Darwen*, as they fall in the Sea, *Thomas Dykes* and *Alexander Appleby* the King's Highneſs Servants, Overſeers, Appointers and Searchers of that Watch, by the advice of *John Leigh* and *John Thwaytes* the King's Servants.

COPY *of* LETTERS *ſeverally ſent, the 27th of* October, Anno Regis *Edwardi* VI. Sexto, *to all thoſe whoſe Names hereafter followeth, to ſee and cauſe the Watch alongſt the* Weſtborders *to be ſet, ſearched and kept in due order, as particularly in every Charge hereafter appeareth.*

AFTER my Hearty Commendation, I doubt not but yow ſee the Watches ſurely ſet and kept from unto in ſuch Form as the ſame heretofore hath been accuſtomed, and by open Proclamation commanded; nevertheleſs, for the better execution, and that none Offenders therein ſhall have none excuſe for lake of warning, I ſhall require you on the Kings Majeſties behalf, to give ſuch notice and knowledge to all the Townſhipps through the ſaid Watches, as they may be moſt ſurely kept at their perils, leaſt by privy ſearch the fault be found, which will run to the extreme puniſhment of the Offendors, according to the Kings Highneſs Laws. Fail you not thereof, as ye tender his Majeſties Pleaſure, and the common-wealth of his Graces Subjects. And heartily fare you well.

At the Caſtle of *Carliſle.*

FROM the foot of *Levin*, up *Eske* to *Ledall* fall in *Eske*, and from the foot of *Ledall* to *Hathwateburn* fall in *Ledall*; *Richard Grame*, and thoſe with him in the Leaſe for the Grounds between *Eske* and *Levin.*

FROM

FROM *Hathwateburn* foot unto the foot of *Creſſop*, and to the head of the ſame; *John Muſgrave.*

FROM the head to the foot of *Kirkbeck*, and ſo down *Levin* unto *Harphill*, to *Raburn* fall in *Levin*; the Land Serjeant of *Sylleyshand* and *John Muſgrave.*

FOR *Warwick* Watch; the Bailiffs of *Aeghonbye Homeend* and *Warwick.*

FOR the three Fords called *Brakelwathe*, *Granywath* and *Monkwathe*, *Thomas Salkeld*, and the Bailiffs and Conſtables of *Wedderell*, *Cothill*, *Corkby* and *Camwhitton.*

FOR *Warwick-bridge* and the Watch beneath, the Bailiffs and Conſtables of Little *Corkbye* and *Briggend.*

FOR *Langſtroblewath* and *Paytwath*, *William Skelton*, and the Bailiff and Conſtable of *Ormesby*, *Murthwate*, *Ainſtable*, *Armathwate*, *Nun-cloſe* and *Flodel-Crock.*

FOR the four Fords of *Raven*, *Chriſtopher Threlkeld*, the Bailiffs and Conſtables of *Kirkoſwold*, *Laſinby*, *Glaſenby*, Little *Salkeld*, *Ullesby*, *Melmorbye*, *Renwyke* and *Herskew.*

FOR the five Fords of *Blencarne-becke*, *Harry Crakinthorp*, *John Wharton*, the Bailiffs and Conſtables of *Blencarn*, *Culgath*, *Skyrwath*, *Kirkland*, *Newbigging*, *Sourby*, *Mylburn*, *Mylburngrange*, *Duſton*, *Marton*, *Kirkbythure*, and *Knock.*

FROM the head of *Cardewmyre* to Little *Dalſton-barrs*, and from thence to the Miln-dam head at *Carliſle*, *John Dalſton.*

FROM *Weſtwample-brigg* to the foot of *Shaulck*, *John Briſcoe*, *Richard Stodholm.*

FROM *Reyburn* down to the Foot of *Levin*, *Richard Philipſton*; *Edward Story*, *George Hetherington*, Proud *Dick Grame.*

FROM

FROM the foot of *Yrding* to the foot of *Gelt*, and from the foot of *Gelt* to *Poutroſt*, the Land Serjeant of *Gilliſland*.

FROM the Foot of *Gelt* unto *Caſtle Carroke*, from *Caſtle-Carroke* to the *Stainieford* above *Braunybank*, the Land Serjeant of *Gillyſland*, and the Bailiffs and Conſtables of *Fenton*, *Hayton*, *Caſtlecarrock*, *Cumrew*, *Newbigging*, and *Ainſtable*.

FOR *Etterby* Watch, and the Watch at *Haygill*, *William Mulcaſtre*, the Bailiffs and Conſtables of *Staynton*, *Harrington* Houſes, *Caldgate* and *Etterby*.

FOR the Watch at *Edenbagg*, and the Watch beneath, the Bailiffs and Conſtables of *Stanwyx* and *Richardgate*.

FROM *Brumskyth-beck* to *Goſlingſyke*, the Bailiffs and Conſtables of *Houghton*, *Terreby* and *Brumsketh*.

FOR the *Staynholm*, the Bailiffs and Conſtables of *Rychardby*.

FOR *Lynſtock* Watch and the Ford at *Biſhopſgarth*, the Bailiffs and Conſtables of *Lynſtock*, *Walby* and *Averyſholmes*.

FOR all the Watches through all the Baronry of *Burge*, and between *Rocliff* and *Cargo*, *Stokewathe* and *Garwathe*, *John Leigh*, *William Threlkeld*; the Bailiffs and Conſtables of the ſame Baronry.

FROM *Brumskethe* beneath *Rocliff*, *Stainwathe* and *Irelandwathe*, and the Long Rake and the Ford of *Eſgarthe*, *Robyn Grame*, *Peter Grame*.

FOR the *Queens-hames*, the Steward of the ſame.

UPON the Water of *Petrell*, from *Carlyſle* to *Petrell-wraye*, the Steward of the *Colledge-lands*, and the Bailiffs and Conſtables

ſtables of the Townſhips that keep theſe Bounds.

FROM *Petrell-wraye* to *Plompton*, *Clement Skelton* and *John Skelton* of *Apletrethwayte.*

FOR *Edinhall* and *Dolſenby*, Sir *Richard Muſgrave.*

FOR *Skelton* and *Hutton* in the Forreſt, *William Hutton*, *John Sothake.*

FOR *Newton* and *Catterlyn*, *William Vaux.*

FOR *Gaytſgyll* and *Raughton*, *Chriſtopher Muſgrave.*

FOR *Ybegill*, *Brathwayte*, *Mydleskeugh* with Cloſes, *Lancelot Lowther* and *John Hutton* of *Mydleskeugh.*

FROM *Dalſton* to *Caldbeck*, *Thomas Bewley.*

FOR *Caldbeck*, the Sheriff and Deputy.

FOR the Barronry of *Grayſtoke*; the Lord *Dacre*, his Steward or Deputy.

BETWEEN *Grayſtoke* down the Water unto *Wampoll*; the Foſter of *Weſtward.*

BETWEEN *Waver* and *Aill* as thoſe Waters wynythe with the Lordſhip of *Holm*; *Richard Eglysfield*, *Thomas Salkeld*, *William Porter*, *Gabryel Highmour.*

BETWEEN *Aill* and *Darwent*, as they fall in the Sea; *John Leigh*, *John Thwaytes*, *Thomas Dykes* and *Alexander Appleby.*

The ORDER *of the Watches upon the Middle Marches, made by the Lord* Wharton, *Lord Deputy Generall of all the three Marches, under my Lord of* Northumberland's *Grace, Lord Warden Generall of all the ſaid Marches, in the Month of* October, *in the Sixth Year of the Reign of our Sovereign Lord King* Edward *the Sixth.*

Firſt, THE Ford of *Belleſter*, and the *Mylnerpethe* to be watched nightly, with two Men at either Watch, of the Inhabitants of *Belleſter*; Setters and Searchers, *Thomas Blenkenſop*, and *John Orsby*; Overſeers of the ſame, *Albany Fetherſtonhalſs*, and *Harry Walles*.

BETWEEN the Foot of *Cowenwoddborne* and *Lamleye*, to be watched with two men nightly, at every Watch, by the Inhabitants of *Fetherſton, and Cowenwood*; Setters and Searchers of the ſame Watch *Chriſtopher Bowman, Nichol. Blaykloke*, Overſeers of the ſame Watch, *Albany Fetherſtonhalſs* and *Harry Walles*.

BETWEEN *Parkenford*, and *Snawbene* foot, to be watched nightly with two Men, at every Ford between the ſaid Places, with the Inhabitants of the Townſhipp of the *Kylles*; Setters and Searchers of the ſame, *John Coltherd*, and *Rowland Bell*; Overſeers of the ſame *Albany Fetherſtonhalſs* and *Harry Walles*.

THE reſt of the Lordſhip of *Knareſden* on the outſide of *Tyne*, to be watched nightly with two Men about their own Houſes; Setters and Searchers of the ſame Watch, *John Walles* and *Nicholas Walles*; Overſeers of the ſame *Albany Fetherſtonhalſs* and *Harry Walles*.

FROM *Blenkenſop*-Caſtle to *Thirlway*-Caſtle, to be watched nightly with two men of the Inhabitants, dwelling between the ſaid two Caſtles.

FROM *Blenkenſop*-Caſtle to the *Redpethe*, to be watched nightly with two men of the Inhabitors dwelling within the ſame.

THE *Redpethe* and *Wyden* to be watched with two men nightly of the Inhabitants of *Redpethe* and *Wyden*; Setters and Searchers of the ſame Watch, *John Noble* and *Arche Storye*; Overſeers of the ſame, *Albany Fetherſtonhalſs* and *Harry Walles*.

THE Day Watch of the Lordſhip of *Blenkynſop* to be kept with one Man every day at *Dougham*-Yayte with the Inhabitants of the ſaid Lordſhip; Setters and Searchers of the ſame Watch, *John Noble* and *Arche Story*; Overſeers of the ſame, *Albany Fetherſtonhalſs* and *Harry Walles*.

THE Day Watch of *Blake-poule-rigg* to be kept with the Inhabitants of *Redpethe* and *Wyden-Eyles*, with one Man every day; Setters and Searchers of the ſame, *Alexander Cowen* and *Nicholas Whyte*; Overſeers of the ſame, *Albany Fetherſtonhalſs*, and *HarryWalles*.

THE Watch of *Thirlwall* to be kept nightly with two Men, one on the inſide of the Mire, and one on the outſide.

ONE Man dayly upon *Gatewſyderigg*. Theſe Watches to be kept by the Inhabitants of *Thirlwall*; *Robert Thirlwall* and *Robert*

Robert Carrock to be Setters and Searchers, and Obſervers of this Watch.

THE Watch at *Lamleyford* to be kept with two Men nightly, of the Inhabitants of the ſaid *Lamley* and *Cowenwood*, on the inſide; Setters and Searchers, *Lionell Snawſell* and *Hector Snawdon*.

THE Watch of *Smallhomeford* to be kept with two men nightly by the Inhabitants of the ſaid *Lamleye* and *Beyrſperke*; Setters and Searchers *John Bell* and *Chriſtopher Pattenſon*.

THE Watch at *Leydgate* to be kept with two Men nightly, of the Inhabitants of the ſaid *Beyrſperke*; Setters and Searchers, *William Tweddell* and *Edmond Craw*; Overſeers of the Watch, *Albany Fetherſtonhalſs* and *Harry Walles*.

THE Fords under *Rydley-hall* to be watched with two Men of the Inhabitants of *Rydley-hall*; *John Eſcheton* and *Rowland Waugh* to be Setters and Searchers of that Watch.

THE *Mylhouſe-ford* and the *Spontgingesrake* to be watched with two Men of the Inhabitants of *Bellyhmburn* Houſe, Woods and Shawes; *John Short*, *Mattheu Wegham* to be Setters and Searchers of the Watch.

THE *Stryndes-ford* to be watched with two Men of the Inhabitants of *Mydge*, *Whamye*, *Stedby* and *Alenſgren*; *William Atkinſon* and *John Myll* to be Setters and Searchers of this Watch.

THE *Semacres-ford* with *Paton-rake* to be watched with two Men of the Inhabiters of *Faroſchelles*, *Blakerlough*, *Howden*, and *Semacres*; *Nicholas Rydley* and *Myghell Rydley* to be Setters and Searchers of this Watch.

THE

THE *Linthaugh-ford* with the *Holdborn* to be watched with two Men of the Inhabitants of *Plenimell*: *Clement Haugh*, and *Oswold Rydley* to be Setters and Searchers of this Watch.

THE Ford of *Hawtweſyll* to be watched with two men of the Inhabitors of *Plemmelyer*; *Stephen Hutchinſon* and *John Rydley* to be Setters and Searchers of this Watch.

AT *Michele-Yate* a Watch to be kept nightly, with two men of the Inhabitants of the Townſhip of *Hawtweſell*, and alſo two men at the Towns end of *Hawtweſell* by the ſaid Inhabitants; the Bailiffs of *Hawtweſell* to ſee the Watch kept; *John Thompſon*, and *Thomas Stokoo* to ſet and ſearch the ſame.

BELLISTER-FORD to be watched with two Men of the Inhabitors of the *Brombouſes*, *Belleſter*-Park, and the *Lynſhell*; *Thomas Blenkynſope* and *John Hornsby* to be Setters and Searchers of this Watch.

THE *Mylhouſe* to be kept with one Watch in the Night, and two Men about the Town; *Lancelot Marſhall* and *Clement Malap* to be Setters and Searchers of the Watch.

Thorngraſto to be watched on the Night with two men about the Town; *Nicholas Malaper*, and *Robert Lows* to be Searchers of the Watch.

THE *Henſhaughe* to keep one Watch on the night, with two Men about the Town; *John Thompſon* and *Thomas Peig* to be Searchers of this Watch.

THE *Melcarage* to keep one Watch on the Night with two Men about the Town; *Hugh Pattenſon*, and *Harry Cheſman* to be Searchers of that Watch.

THE

THE *Waughtown* to be kept on the Night with two Men about the Town; *John Rydley* to ſearch that Watch.

Day Watch. THE Townſhip of *Thorngraſto* and the *Milnehouſe* to keep the Watch of the *Bekyns* of *Breydley*, with two Men on the Day.

THE Townſhip of *Henſhaugh* and *Melcarig* to keep the Watch of the *Hairhughe*, with two Men on the Day.

THESE two Watches to keep all from the *Kings-hill* to the *Craw-cragge*.

THE Townſhip of *Hawtweſell* to keep a Watch of the *Craw-cragge* with two Men on the Day; Setters and Searchers of the Night Watch and Day Watch of *Hawtweſell*, *John Rydley*, and the Bailiff of *Hawtweſell*; Overſeers of theſe Watches, *Nicholas Rydley*, *Heughe Cranaw*, and *Nicholas Blenkenſop* Bayliff of *Hawtweſell*.

THE Fords under *Moreby* to be watched nightly, at every Ford two Men of the Inhabitants of *Harſenden* and *Selſwrye*, *Nakeddaill*, *Plankford*, *Harleye*, the *Wonoſſe* and *Morely* to watch this Ford; Setters and Searchers, *John Rydley* and *Thomas Maughen*.

THE *Leyes-fords* to be watched with two Men nightly at every Ford, of the Inhabitants of the ſaid *Moreley*, *Taydcheſſell*, and the *Weſter-dennes* to watch theſe Fords; *Martyn Trapes* and *Clemen-Maughen* Setters and Searchers of the ſame.

THE *Greenford* to be watched with two Men nightly of the Inhabitants of the *Leyes*; Setters and Searchers, *Thomas Fetherſtonhalſs* and *Robert Thompſon*.

THE *Bonehaugh-ford* to be watched with two Men nightly of the Inhabitants of *Lightbirks* and *Boktholl* to watch the ſaid *Bonehaugh-ford*;

ford; *Robert Elrington* and *Thomas Armſtrong* Setters and Searchers of the ſame.

THE two Fords under the *Woodhall* to be watched nightly, every Ford by two Men of the Inhabitants of *Hadenbrigg* on the inſide of the Water; Setters and Searchers, *Robert Elrington*, and *Thomas Armſtrong*.

THE *Medopford*, the *Mylneford*, *Epond*, *Parkford*, *Gawens-ford*, the Fords under the *Woodhall* Park and the *Owmers*, with the *Wyſlyford*, to be watched nightly, every Ford two Men of the Inhabitants of *Elrington*, *Eſcobill*, *Therupwodd* and *Wodſhelles*; Setters and Searchers, *John Carr*, and *Nicholas Elrington*.

THE Order for the Day-Watch neceſſary to be kept for the Pariſhes of *Warden*, *Newborghe*, the Baronny of *Langley* of the outſide of *Tyne*, the ſaid Day Watch to be received of *George Heron* at the *Carrowſtowes*, and to be watched to the *Petnows* with the Inhabitants of the ſaid Pariſh of *Warden*, with two Men daily; Setters and Searchers, *Haugh Erington* and *Robert Kirſſop*.

THE Pariſh of *Newborghe* to receive the ſaid Watch at the ſaid *Pethnows* to *Haden-Cloughe*, and to watch with four Men daily; Setters and Searchers, *Rowland Stocall*, and *Chriſtopher Stocall*.

THE Inhabitants of the Baronny of *Langley*, of the outſide of the Water, to receive the ſaid Watch of the *Newburgh* Pariſh at *Hawden-Clough*, and to keep that to the *King's-hill*, their wynyng to *Nicholas Rydley*, with four Men daily between the ſaid Places; Setters and Searchers, *Richard Carneby* and *Roger Stocoll*.

THE Night-Watch within the Barony of *Langley* to be watched of the outſide of the

the Water of *Tyne*, with the Inhabitants of the ſame; Setters and Searchers, *Edward Hall*, *Andrew Erington*, *George Robſon* and *Matthew Richardſon*; *Alexander Baſnet* and *Gilbert Thompſon*, from the Church Eaſt; *Gilbert Barrow*, and *Stephen Frank* from the Church Weſt.

THE Fords and Paſſages within *Newburgh* Pariſh, *Fourſtaines*, *Harbord*, *Croſgaytes*, *Mildam-houſe*, the *Nether-rack* and *Stoppull*, to be watched nightly with two Men in every Watch of the Inhabitants of the ſame; Setters and Searchers, Sir *Thomas Robſon*, *Rinyan Stocoll* and *Matthew Robſon*; Overſeers of the Watch within South *Tine*, *Nicholas Erington*, and *Matthew Turpen*; and Overſeers on the outſide of *Tine*, *Richard Carneby* and *Rowland Stokoll*.

THE Night-Watch of *Warden* and *Newburgh* to be Watched with two Men nightly in every Watch, of the Inhabitants of the ſame; Setters and Searchers, *Edward Hall*, *Andrew Erington*, *George Robſon* and *Matthew Richardſon*; Overſeers, *Richard Carneby* and *Rowland Stokoll*.

THE Watch at *Raw-Yate* to be kept nightly with two Men of the Inhabitants of *Hunter Sheles*; Setters and Searchers, *Peter Richardſon* and *Clement Ramſhaw*.

THE Watch at *Elrington-gate* to be watched nightly with two Men of the Inhabitants of the Middle Ward; Setters and Searchers, *John Whytefield* and *Thomas Whytefield*.

THE Watch at *Houpbourn* to be kept nightly with two Men of the Inhabitants of *Permantley*, *Ulſton* and *Whitewalls*; Setters and Searchers, *William Richardſon* and *Matthew Richardſon*;

Richardſon; Overſeers of theſe Watches, the Laird of *Whyteſield*, and the Laird of *Ouſtone*.

THE Watch at *Hepdenhead* to be kept nightly with two Men of the Inhabitants, betwixt the Bounds of *Swynhopp-burn* and the *Red-groves*; Setters and Searchers, *Thomas Bee*, and *John Vepound*.

THE Watch at *Wyndoo-heades* to be kept nightly with two Men of the Inhabitants between *Ackdenburn* and *Swynnoppe-burne* of the other ſide; Setters and Searchers *Heugh Hutchynſon* and *Harry Ferrolez*.

THE Watch of *Pyotburne-head* to be kept nightly with two Men of the Inhabitants of the *Holmes* and *Morehouſes*, and all between the ſame; Setters and Searchers, *William Hutchenſon* and *John Sperke*.

THE Watch to be kept at *Synnes-Lone* with two Men nightly of the Inhabitants between the *Morehouſes* and *Cattegelee*; Setters and Searchers, *Cuthbert Hayden* and *Thomas Hewetſon*.

THE Watch at *Cattenwythes* to be kept nightly with four Men of the Greveſhip of *Catton*; Setters and Searchers, *George Roule* and *Robert Philipſon*.

THE Watch at the *Water-meetings* to be kept with four Men of the Greveſhip of *Keynleye*; Setters and Searchers, *Matthew Whyteſield*, and *Thomas Wilſon*.

THE Watch at *Monkford* to be kept nightly with two men of the Inhabitants of *Allendaill*; the Setters and Searchers, *John Ferroler*, and *William Stoute*.

THE Watch at *Bowmans-pool* to be watched nightly with two Men between *Monkford* and *Fernyſide*; Setters and Searchers, *Mighel Kenleſyde* and *John Ferroler*.

THE

THE Watch of the *Senebriche* to be kept nightly with two Men of the Inhabitants between *Fernyſyde* and *Lytelſhele*; Setters and Searchers, *William Bateſon* and *Robert Stoute*.

THE Watch of the *Dyke-ncoke* to be watched nightly with two Men of the Inhabitants between *Hancopp-lee* and *Brode-lee*: Setters and Searchers, *John Wilkynſone* and *Edward Whyteſield*.

THE Watch of *Elneclough-foote* to be watched nightly with two Men of the Inhabitants within the Foreſt of Weſt *Allendaill*; Setters and Searchers, *William Wodmous*, and *Nicholas Bateſone*.

Overſeers of all the Watches in *Allendaill*, *Matthew Bee*, *Heugh Shele*, *Chriſtopher Bee*, and *John Shele*.

Between Hawkneſt *and* Thokringtone.

THE Watch of the *Hawkneſt* and at the *Wurdhill* to be kept nightly with two Men at either Place, of the Inhabitants of *Mykle-Swinburn*, *Colvell* and *Whyteſield*: Setters and Searchers, *John Carudders*, *Perſevall Rede*, and Bailiff of *Colvell*. Overſeers of theſe Watches, *John Shaftoo* and *Raulf Wetherington*.

THE Watches at the *Streyte Bradford*, *Wodford*, and *Stelden*, ſtill to be watched nightly with two Men in every Watch, of the Inhabitants of *Hallydene* and *Little Swinburn*; Setters and Searchers, *Anthony Yonger* and *Matthew Chatton*, Bailiffs of *Hallen* and Little *Swinburn*.

THE

THE Watch at *Wodehouſe* and *Eyrneſhaugh* to be watched nightly with two Men of the Inhabitants of Little *Banyngton* and *Thokrington*; Setters and Searchers, *Oſwold Tweddaill*, and *Raynold Shaftoo*.

Overſeers of theſe Watches, *John Shaftoo* and *Rauf Wedrington*.

THE Watch at the Rack of *Belden* to be watched nightly with two Men of the Town of *Lordſhip* of Bywell, of *Newbygyn*, *Kirkſyde*, *Cowbrye*, *Wynſheleye*, *Croukley*, *Byrkynſyde*, and *Blake Heydleye*.

THE Watch at *Langley-Ratke* to be watched nightly with two Men of *Unthank*, *Genelſhawghe*, *Browntſhellhaughe*, *Doromfield*, *Crokayke*, *Suodſpolerawe* and the *Burne-mylne*.

THE Watch at *Newbrigrake* to be watched with two Men nightly, of the Inhabitants of *Newlands*, *Fatherleyes*, *Farle*, *Waskerleye*, *Wenhaull*, *Panyſheles*, *Shotlayfield*, *Shotleybrigg*; Setters of theſe three Watches or Paſſages, *George Armeſtrong* and *Anthony Ledelle*, Overſeers, *Thomas Elrington*, *Anthony Ratcyff* and *Anthony Carnebye*.

THE Watch at *Aperbyford* to be watched with two Men nightly of the Inhabitants of *Sheley*, *Dukesfield*, *Haull* and the *Stele-haull*.

THE Watch at *Byerſunk* to be watched with two Men nightly of the Inhabitants of *Helley Woller*, *Anhenton*, *Staull*, *Colepyttes*; Setters and Searchers of theſe two Paſſages, *Robert Hurd*, and *William Garr* of the Weſt-end of *Slekeye*.

THE Watch at *Shelford* to be watched nightly with two Men of the Inhabitants of *Leyryding* and *Bromely*.

THE Watch at *Smart-Rake* to be watched nightly with two men of the Inhabitants of *Milk-Bromehaugh*, *Shelforthe*, *Menſtrakers*,

and the *Botehouſe*; Setters and Searchers, *William Heron*, and *Harry Armſtrong*; Overſeers, *Richard Swynburn*, and *John Hurde*.

THE Watch at *Lynel-ford* to be watched nightly with two Men of the Inhabitants of *Heydley*, *Rydley*, *Stokfield*, *Haull*, *Eltringham*, *Maleſheles*, *Marlecole*, *Waules*, *Shelehaull*, and the Common.

THE Watch at *Sheyſters* to be watched nightly with two Men of the Inhabitants of the Townſhip of *Bywell*.

THE Watch at Little *Shelden* to be watched nightly of the Inhabitants of *Berle* and *Newtone*.

THE Watch at *Matſen-waies* to be watched nightly with two Men of the Inhabitants of *Styford*, *Newton*, *Newton-hall* and *Acum*; Setters, *Hugh Brown*, and *Richard Harriſon*: Overſeers, *Thomas Swinburn*, and *Edwarde Lawſone*.

BY-NORTH the Water of *Tyne*, beginning at the Water-Meetings at *Ereynfoot*; and up *Ereyn* to *Haledon*-Mylne. The Watch at the Narrow-Rake to be kept nightly with two Men of the Inhabitants of *Sando*, *Hawyke-Grange*, *Bothoke*, *Kothons*, *Thornes*, and the *Bromhaugh*; Setters and Searchers, *Robert Chekyn*, and *Richard Hutchenſon*.

THE Watch at *Grangeford*, to be watched nightly with two Men, of the Inhabitants of *Paret*, *Tarhouſe*, and *Haywicke*; Setters and Searchers, *John Selbye*, and *John Marſhall*. The Watchers to ſearch the *Daniford* and the Narrow Rake.

THE Watch at *Chobelford* to be watched nightly, with four Men of the Inhabitants of *Hacon*; Setters and Searchers, *William Armſtrong* and *John Spanne*. The Watchers to ſearch the *Grange-ford*.

THE

THE Watch from the foot of *Erren*, to the Miln of *Chollerton*, to be watched nightly with four Men of the Inhabitants of the Town of *Waull*; Setters and Searchers, *James Bell*, and *Sander Dawſon*; the Watchers to ſearch to *Chollerford*.

THE Watch at *Carburne-foot* to be watched with two Men nightly, of the Inhabitants of *Fallafield* and *Cokley*; Setters and Searchers, *Rowland Lee*, and *William Henderſon*. The Watchers to ſearch to *Chollerton*-Mylne.

THE Watch of *Erreyn-brigges* to be watched with two Men nightly of the Inhabitants of *Kepwerk*, and *Erington*; Setters and Searchers, *Robert Ratcheſter*, and *John Bell*; and to ſearch to the *Gorburn-foot*.

THE Watch at the *Skelcoſe-foot*, and *Halleden*-Mylne, to be watched nightly with four Men of the Inhabitants of *Bing-field*, *Cockley*, and *Grottington*; Setters and Searchers, *Edward Heydley*, and *Hugh Halliday*. The Watchers to ſearch to *Headon-brigges*: Overſeers, *Davy Carnebye*, *Thomas Carnebye*, and *Thomas Errington* of *Bing-field*.

THE Watch at *Depedam-ford* to be watched with two Men nightly, of the Inhabitants between *Linelfordway* and the *Ley-Leving* at *Dotel*-Park-head; Setters and Searchers, *Robert Thirlwall*, and *Edwyrd Erington*.

THE Watch at *Hopen-ford* to be watched nightly with two Men, of the Inhabitants between the ſaid *Ley-Leyning*, and *Dalton*; Setters and Searchers, *Chriſtopher Hurd*, and *Thomas Dun*.

THE Watch at *Hudeſtryk-ford* to be watched with two Men of the Inhabitants between *Dalton* and *Stone-houſe-field-head*; Setters and Searchers, *Thomas Gibſon*, and *Edward Erington*.

THE Watch at *Wepewaſſel-ford*, at *High-field-head*, to be watched with two Men nightly, of the Inhabitants between the Chappel and the *Pacock-houſe*; Setters and Searchers, *Henry Ogle*, and *Raulph Hurd*.

THE Watch of *Dorom-ford* in *Weſtburnhope* to be watched with two Men nightly, of the Inhabitants between *Pacock-houſe* and *Radlamhoupe*; Setters and Searchers, *James Hurd*, and *Chriſtopher Manghene*.

THE Watch at *Methokweys*, beſides *Ledeford*, to be watched with two Men nightly of the Inhabitants of *Yerwiche*, *Nobbockgreenrigg*, with the *Peys*; Setters and Searchers, *Gilbert Carnebye*, and *Gilbert Erington*. Overſeers of theſe Watches, *Henry Ogle*, *Edmond Gibſon*, *James Hurd*.

THE Watch at *Mylne-ford* to be watched nightly with two Men, of the Inhabitants of *Eaſt-potleward*; Setters and Searchers, *Raulf Erington*, and *William Littleskill*.

THE Watch of *Cole-ford* to be watched nightly with two Men of the Inhabitants of the *Market ſtedeward*; Setters and Searchers, *William Coniers*, and *Robert Stevenſon*.

THE Watch of the two *Warden-fords* to be watched nightly with two Men of the Inhabitants of *Gely-yate*; Setters and Searchers, *George Leyſhman*, and *Anthony Toller*.

THE Watch of the three Fords under *Coſely* to be watched nightly by three Men of the Inhabitants of *Hencottes-ward* and *Coſely*, the *Weſtwood-houſe* and the *Spittell*; Setters and Searchers, *Richard Gibſon*, and *Edward Hirſt*, and *John Ridley* of *Coſely*.

THE Watch of the *Darnburneyes* to be watched nightly with two Men of the Inhabitants of *Coſely*, *Hope*, *Symme*, *Redders*, *Ma-*

ley;

leys; Setters and Searchers, *Gibby Shaw*, *Robert Erington*, *Gilbert Carnebye*.

EVERY Ward ſhall watch the three Fords under *Coſely* their Courſe, one Month from time to time, changing at the Months end; and then *Coteſ-ward* to begin. Overſeers, *William Coniers*, *Gilbert Carnebye*, *John Ridley*.

THE Watch of *Corbrigg-miln-ford* to be watched nightly with two Men of the Inhabitants of *Corbrigg*, *Olden*, and *Thornburgh*.

THE Watch at *Sandowyate* to be watched nightly with two Men of the Inhabitants of *Corbrigg*, *Olden*, and *Thornburgh* aforeſaid.

THE Watch of the Pitts in *Hag-ſhaw* to be watched nightly with two Men of the Inhabitants foreſaid.

THE watch at *Lowes-ford* to be watched nightly with Two Men of the Inhabitants foreſaid. Setters and Searchers of theſe Watches, *Alexander Heron*, and *Alexander Baxter*. Overſeers of the ſame Watch, *Cuthbert Carneby*, *Thomas Weldon*.

THE Watch at the *Streteyate* to be watched nightly with Two Men of the Inhabitants of Little *Whetington* and Mekle, Weſt *Matſon*, *Ebourwood*, *Halton*, *Sheyldes*, and *Carhouſe*.

THE Watch at *Hopeſter-hole* to be watched nightly with Two Men of the Inhabitants foreſaid.

THE Watch at *Sheleſtoſenook* to be watched nightly with Two Men of the Inhabitants foreſaid.

THE Watch at *Ryoll-ford* to be watched nightly with Two Men of the Inhabitants foreſaid. Setters and Searchers of the ſame,

Robert Erington and *Cuthbert Erington*. Overſeers *Cuthbert Carneby* and *Thomas Weldone*.

TINDALL.

The ORDER of the Watch from the Waull within the Carrowburgh *to North* Tyne.

FIRST, THAT the Inhabitants of *Walyke*, *Walleke-grange*, *Parkſheles*, and 12 Men forth of *Homſhawghe* and *Haughton*, ſhall watch at the Wall betwixt the *Carrow-burghe* and *Teppermore* with Four Men in the Watch; and *Anthony Erington* of *Walleke-grange*, and *Robert Erington*, to be Setters and Searchers of the Watch.

THE Inhabitants of the Townſhip of *Homſhawgh* watch at the Streyte at *Teppermore-yate*, and betwixt *Teppermore* and the ſaid yate, with Four Men in the Watch; and *Arthur Erington* and the Bailiff of *Homſhawgh* to be Setters and Searchers of the ſame Watch.

THE Inhabitants of the *Haulbarnes*, *Overtowne*, *Teppermore*, and *Haughton-ſtrother*, ſhall watch from the New Meadows in *Teppermore-edge* to *Tayketleyes*, with Four Men in the Watch; and *John Heron* of the *Haulbarnes*, and *Sandy Armſtrong*, to be Setters and Searchers of the Watch.

THE Inhabitants of *Symon-burne* and *Slatterfield*, with Five Men forth of *Monwyke*, ſhall watch the *Haul-Orchert-field* with Two Men in the Watch; and *John Heron* of *Symon-burne*, and *Wyllyam Rydley* of the *Slatterfield* to be Setters and Searchers of the Watch. Overſeers of this Watch, *George Heron* Keeper of *Tyndall*, and *John Heron* of *Hallbarnes* Baylif of *Symonſide*.

The

The ORDER *of the Watch from* Erreynfoot *to the Marches of* Ryddyſdaill, *as the Waters of* Tyne *and* Reyd *goes.*

FIRST, THE Inhabitants of *Chollerton*, to watch at the *Baweford* with Two Men in the Watch; and *George Heron* of *Chollerton*, and *Anthony Wodman*, to be Setters and Searchers of the Watch.

THE Inhabitants of *Barresforth*, with Six Men forth of *Chollerton*, to watch at Three Places; that is to ſay, at *Barresfordrakes*, the *Strandes*, and *Chepcheſmylne*, with two Men at every place; and *Edward Heron* of *Barresforth*, *Davy Taylour*, *John Denand*, and *William Robſon*, to be Setters and Searchers of the Watch.

THE Inhabitants of *Gonerton*, with three Men forth of *Barresforth*, to watch at three Places; that is to ſay, the Water againſt *Goſton-burnefoote* and *Warkesbriggende*, the *Goleforderackes*, and the *Lyndnyrford*, with two Men at every Place; *Anthony Nicholſon* Bayliff of *Gonerton*, *George Nycholſon*, *Pate Nycholſon*, and *James Dod*, to be Setters and Searchers of the Watch.

THE Inhabitants of the Lordſhip of *Chepches*, and two Men forth of *Gomerton* and *Bertley*, to watch at three Places; that is to ſay, at the *Mylneford*, *Preſt-Hobburne*-Mouth, and the Long Rackes at *Brokeſhaugh* in *Countes-Park*, with two Men at every Place; and *George Heron* of *Chepches*, or his Deputy,

William Ledell Baylif of *Chepches*, *Edward Marſhall*, and *John Marſhall*, to be Setters and Searchers of the Watch.

THE Inhabitants of the Lordſhip of *Bertley*, with *Butland* and *Redſmouthe*, to watch at three Places; that is to ſay, at *Reddesford* and the Rakes beneath the *Brokehaughe*, to the *Hatcleugh* and the *Newke-Mylne*, with two Men at every Place; and *Roger Heron* of *Bertley*, *John Robſon* Baylif of *Bertley*, *Gerard Mylburne*, and *William Robſon* of *Edſmothe*, to be Setters and Searchers of this Watch. Overſeers of this Watch, *George Heron* Keeper of *Tyndall*, and *Rauff Wetheringtone*.

The ORDER *of the Day-Watch for North* Tyndaill, *extending to the Bounds of* Ryddiſdaill *upon the Waſte-Ground.*

Day Watch.

FIRST, THE Inhabitants belonging to *Warkes-Park*, the Lordſhip of *Moryle*, *Blayklaw*, *Goſton*, with all the Inhabiters of *Warkes-burne* and *Hetherington*, ſhall watch at *Comens-croſs*, with two Men in the Watch; and *Thomas Morely*, and *John Rydley* Baylif, to be Setters and Searchers of that Watch.

THE Inhabitants of *Lenacres*, *Lawſted*, *Lekehell*, *Watergayte*, all the Inhabitants of *Shotlenton*, with the *Lehaull*, and all the Farmholds beneath *Ellingham-rigge*, ſhall watch at the *Hayzlaw*, with two Men in the Watch; *John Wylkynſon* Baylif, and *Harry Charlton* of the *Hawhill* to be Setters and Searchers of that Watch.

THE

THE Inhabitants of *Bregford-delles*, *Dentorley*, *Heyſleſyde*, *Brerege*, *Carytethe*, and three Men forth of *Snabdhaughe*, ſhall watch at *Overdodhill* with two Men in the Watch; and *William Charltone* of the *Carytethe*, to be Setter and Searcher of that Watch.

THE Inhabitants of *Snabdhaughe*, *Berkſmell*, *Dallcaſtle*, *Hollerherſt*, *Whytcheſter*, *Cherden*, *Roughesyde*, and *Grewoſted*, ſhall watch at *Boutteſlaw*, with two Men in the Watch; and *Arthur Charlton*, and *Laurence Dodd*, to be Setters and Searchers of that Watch.

THE Inhabitants of *Theeles* the *Cragge*, *Stokoo*, *Small-mouthe*, *Small-burne*, *Lethame*, *Croſhell*, *Yarrow*, *Shullburnehaughe*, and *Emothaughe*, ſhall watch at *Whekhope-Cragge*, with two Men in the Watch; and *Roger Yarrow*, and *Jenkyn Dodd*, to be Setters and Searchers of the Watch.

THE Inhabitants of the *Wodhouſes*, *Bellen*, *Steanhouſe*, *Haukop*, *Yarrowhaugh*, the *Hell*, *Fauſtane*, *Stokoo*, *Douklywood*, *Aldſyde*, *Hurdlye*, and *Thorne-burne*, with two Men in the Watch; *Thomas Charlton* of *Hawkhop*, and *John Robſon* of the *Fauſtane*, to be Setters and Searchers of that Watch.

THE Inhabitants of the *Hell-houſe*, *Craghouſe*, *Thorny-burne*, *Lardner-burne*, *Tarſythaw*, *Boughthill* on *Tarſet*, *Water-heyd*, *Starheyd*, *Draper-croſt*, *Sydwod*, the *Haughe-hillhouſe*, and the *Cayme*, ſhall watch at the *Earleſeate*, with two Men in the Watch; *Adam Mylburne* of *Dunſtead*, and *Arthur Dodd* to be Setters and Searchers of that Watch.

THE Inhabitants of *Blackmedens*, *Dunſted*, *Grenehell*, *Yate-houſe*, *Newbegyn*, *Snayp*,

Burnemouth, *Brebntenke*, *Grenehaughe*, *Smedwellrigg*, *Holleheyd*, *Bowſhill*, *Redmyer*, and *Wagtaillhaughe*, ſhall watch at the *Watch-cragg* with two Men in the Watch; *Adam Mylburne* of *Dunſteyd*, and *Arthur Dodd*, to be Setters and Searchers of that Watch.

THE Inhabitants of the *Newtons*, *Charlton-yaite*, *Charlton*, *Langhaughe*, the *Redyns-Ryding*, the *Shaw*, and *Billingham*, ſhall watch at the *Whythughe* with two Men in the Watch; *William Charlton* of *Billingham*, and *John Robſon*, to be Setters and Searchers of that Watch.

THE Inhabitants of *Bowgell-hole*, *Hanyng-rigge*, the *Tees*, the *Clews*, two *Blayklawes*, *Cowhethe*, *Bredleyſtraw*, the *Newke-Shawbus*, *Nekemele*, *Redſwoddheyd*, *Redſwodd*, and the *Brigg-ford*, ſhall watch at the *Routre-Cragge*, with two Men in the Watch; *John Charlton* of the *Blayklaw*, and *Rowland Charlton*, to be Setters and Searchers of that Watch.

RYDDYSDAILL.

The Day-Watch of Ryddyſdaill, *receiving it from* Tyndaill *at the* Routre-cragge, *and beginning at* Dedwod-cragge.

FIRST, THE Inhabitants of *Evokſtanes*, and the *Wolaw* ſhall watch at *Dedwod-cragge*, with two Men in the Watch.

THE Inhabitants of *Berdhope* and *Richeſter* ſhall watch at *Berehopelaw*, with two Men in the Watch; *Clement Haull*, and *Matthew Cook-*

Cookſons, to be Setters and Searchers of theſe two Watches.

THE Inhabitants of the two *Dartreys* to watch at the *Rydyatlaw*, with two Men in the Watch; *John Haulle* of *Brentſhaw*, and *Thomas Storye*, to be Setters and Searchers of this Watch.

THE Inhabitants of *Allenton*, and the *Parkheyd*, to watch at *Paſpbethebeyde*, with two Men in the Watch; and *Perſevall Harbottell*, and *John Wylkynſon*, to be Setters and Searchers of that Watch.

SO the Day Watch of *Ryddyſdaill* begins with *Tindaill* at *Deydwod-cragg*, and ends at *Paſpethe*; where it joyns with *Cookedaill*.

RYDDYSDAILL.

THE *Hyndebaughford* to be watched with the Inhabitants of *Bromhope*, and the *Steyll*, with two Men nightly.

Roſſingham-ford to be watched with the Inhabitants of the *Cragg*, and a Part of *Cheſtrop*, with two Men nightly; Setters and Searchers of theſe two Watches, *Jerard Reyde*, and *Thomas Reyde*.

THE *Yairhaughe-ford* to be watched with the one half of *Weſtwod-burne*, with two Men nightly.

THE *Smotwell-ford* to be watched with the Inhabiters of *Eſtwodburne*, with two Men nightly.

THE *Prieſts-ford* to be watched with the Inhabiters of *Stedle-hill*, *Whetſtain-houſe*, with two Men nightly: Setters and Searchers of theſe three Watches, *Richard Foſter* of *Wodburne*, and *Robert Foſter* of the *Yaite*.

AT the *Forkins* betwixt the *Prieſtsford* at *Otterburne-Mylne* to be watched with the Inhabiters of the *Heades* and the *Hill*, with Two Men nightly.

THE Ford at *Otterburn-Mylne* to be watched nightly with the Inhabitors of the *Old Town*, with two Men.

THE two Fords at *Garretſheylles* to be watched with the Inhabitors of *Troughen* and *Garretſheylles*, with two Men nightly: Setters and Searchers of theſe three Watches *John Reyde* of *Troughen*, and *Clement Reyde* of the *Old Town*.

THE two Fords at *Elſhaw* to be watched with the Inhabitants of *Dangsborne* and *Blakam* and *Rattenraw*, with two Men at every Ford nightly.

THE *Bowgraw-ford* to be watched with the Inhabitors of *Kelleburne*, with two Men nightly.

THE *Todlawford* to be watched with the Inhabitants of *Evokſtanes*, with two men nightly; Setters and Searchers of theſe three Watches, *John Reyde* of *Blacame*, and *John Fletcher* of *Evokſtanes*.

THE Streytt of *Acamſydemore* and *Pinglehaugh* to be watched with the Inhabitants of *Bordop* and *Ratcheſter*, *Horſley*, and the *Stobbes*, *Allſhaughe* and the *Spittell-haugh*, with four Men nightly: Setters and Searchers of this Watch *Clement Hall* and *Thomas Anderſon* of *Bordop*.

THE *Sawfeld* and the *Craigſheilles* to be watched with the Inhabitors of *Dorſtreſs*, *Danyſheill*, of *Otterburn* and *Batherwyke*, with ſix Men nightly: Setters and Searchers, *William Walles* and *Davy Waules*.

THE

THE Streyte under *Gulmore-Buſs* and the *Smydyclougheyd*, to be watched at the Head of *Houlalcloughes*, to be watched with the Inhabitors of the *Wodſyde* and *Carryk*, *Eſdam*, *Laugheyte* and the *Eſt-nooke*, with ſix Men nightly: Setters and Searchers *William Pott* and *John Pott*.

Fulbere, *Ceulghefoot*, *Whytlawleche* and *Sandforth* above *Barrow*, to be watched with the Inhabitors of *Barrow*, *Harbottill*, the *Peylles* and the *Holyſtone*, the *Woddhouſes* and *Yerdop*, with ſix Men nightly: Setters and Searchers, *Percevall Fenwyke* and Ser *John Hall* Preſt.

SO THAT the Night Watch of *Ryddyſdaill* receives the Night Watch of *Tyndaill* at the *Nooke-Mylne*, and goes Northward to the Watch of *Cookdaill*, and joins with them at the *Sandyford* beſides *Barrow*.

The Day-Watch of Cookdaill *beginning at* Paſpethe.

ALLENTON to watch to *Paſpethe* with two Men every Day; Setters and Searchers of this Watch *John Wylkinſon*, the Laird of *Doneſgrene*, *John Wylkinſon*, otherwiſe called *Gordes John*.

THE *Greyt Kneys* to be watched with the Inhabitants of *Clennell*, *Newton* and the *New-hall*: Setters and Searchers of the ſame *Percevall Clennell* and *William Gallon*.

THE *Kaye-Cragge* to be watched with two Men of *Bedelſdan*; *Percevall Selbe* and *Thomas Davyſon* to be Setters and Searchers of this Watch.

THE

THE *Hogdon-Lane* to be watched with two Men daily, of the Inhabitants of *Cramwodd* and *Elnanne* : Setters and Searchers of this Watch, *Thomas Horſley* and *Cuthbart Horſley*.

SHELMORE to be watched with two Men daily, of the Inhabitants of *Predeke*, *Mutell*, *Rayell* and *Littel Rayell*; Setters and Searchers of this Watch, *Thomas Collenwood* and *William Melborne*.

HARTSAYD-CRAGG to be watched with the Inhabitants of *Engram* and *Hartſayd*, *Reſſle*, with two Men daily: Setters and Searchers of this Watch, *Hary Collynwood*, *Davide Hall*.

THE *Bell-Carr* to be watched with two Men daily, of the Inhabitors of *Elderton*, *Roden*, *Roſton* and *Rodam*; Setters and Searchers of this Watch, *Edward Elderton* and *Anthony Elderton*.

Overſeers of this Watch, Ser *George Ratcliff*, and Ser *John Horſley*, Knights; *Robert Colleynwood*, *Cuthbart Muſgrave*, Captain of *Harbottill*, *Perſevall Selbe*, *Perſevall Clenell*.

Etlantone,
Clennell,
Bedelſton,
Netherton,
Charperton,
Tharnam,
Borodene,
Newton,
Overtrewhell,
Rothbury,
Zetlynton,
Cramwod,
Nethertrewell,
Thropton,
Hapell,
Flotterton,
Keſteron,
Wreghell,
Toſſone,
Newtown,
Whettone,
Eglinghin,
Edlinghin,
Harrope,
Elname,

Elname,
Prendeke,
Ryell,
Eſlington,
Reſte,
Brandon,
Branton,
Wytengham,
Glanton,
Hartſayd,
Elderton,
Rodam,
Roſton,
Lylburn,
Weppton,
Hegle,
Bonwyke,
Bewle,
Botton,
Shawden,
Lyrchild,
Lematone,
Framlenton,
Overſheilles,
Netherſheilles,
Gremys,
Newtone,
Buſtone,
Boltone,
Feltone,
The *Granges*,
Rougheley,
Shypley,
Shilbottell,
Wyttelle,
Oldfelton,

Overſeers and Appointers of theſe Towns for the keeping of the Day-Watch: The Six Gentlemen above written for overſeeing.

ITEM, The Paſſages from *Allenton* to *Clenell*, to be kept with Four Men of the Inhabitors of *Allenton*, the *Parkheyd*, *Newton*, *Foxſton* and *Newhall*.

THE Paſſages from *Clenell* to *Byttelſden* to be kept with four Men nightly of the Inhabitors of *Clenell* and *Burroden*: Setters and Searchers of the Watches betwixt *Allenton* and *Clenell*, *Percevall Unthank* and *George Browne*.

THE Paſſages from *Byttylſden* to *Skarnwood* to be watched with four Men nightly, of the Inhabitors of *Byttelſden*, *Cotwalles*, *Netherton* and *Ellebaye*.

THE Paſſages from *Skarnwood* to *Alnen* to be watched with two Men nightly, of the

In-

Inhabitors of *Skarnwood* and *Kareſlaye-houſe*: Setters and Searchers of theſe two Paſſages, *Perſevall Horſley* and *John Shanks*.

THE Paſſages from *Alnen* to *Clenell Prendeke*, to be watched with two Men nightly, of the Inhabitors of *Alnen*.

THE Paſſages from *Prendeke* to *Engram* to be watched nightly with ſix Men of the Inhabitors of *Prendeke*, *Mikle Ryell*, *Lyttil Ryell*, *Unthank*, *Eſlington*, *Clenche* and *Fadden*; *Thomas Adden*, *Harry Colingwodd* and *Rowland Taylour* to be Setters and Searchers of theſe Watches.

THE Paſſages from *Engram* to *Reveley* to be watched with two Men nightly, of the Inhabitors of *Engram*.

THE Paſſages from *Reveley* to *Roddam* to be watched nightly with ſix Men of the Inhabitors of *Revely*, *Branton*, *Brandon* and *Hedgly*; Setters and Searchers of theſe two Watches betwixt *Engram* and *Roddam*, *Thomas Patteſon* and *John Modye*.

THE Paſſages from *Roddam* to *Elderton* to be kept with Two Men nightly of the Inhabitors of *Roddam*.

THE Paſſages from *Elderton* to *South Mydleton* to be watched with ſix Men nightly of the Inhabitors of *Elderton*, *Wapperden* and *Roſton*; Setters and Searchers, from *Rodam* to *South Myddleton*, *Anthony Elderton* and *John Rodam*.

THE Paſſages from *South Myddleton* to *North Myddleton*, to be watched with two Men nightly of the Inhabitors of *South Myddleton* and *North Myddleton*: Setters and Searchers of the Watch, *Edward Humbe* and the Bayliff of *Myddleton*.

THE

THE Paſſages from *North Myddleton* to *Calgate* to be watched with two Men nightly of the Inhabitors of *North Myddleton:* Setters and Searchers of this Watch, *Edward Humble* and the Bailiff of *Myddleton.* Overſeers of this Watch, *Thomas Elderton* and *Jaſper Meelle.*

THE Paſſages from *Thokrington* to *Swetopp* to be watched with Twelve Men nightly of the Inhabitors of *Fenwicke, Eſtmatſen, Ryell, Euggo, Kyrſtorye, Churche Helton* and *Wallrigge*; Setters and Searchers, *Oſwold Wetherington, Symond Shaftoo, Perſevall Shaftoo* and *Perſevall Paſto.*

FROM *Swetopp* to *Hawicke* to be watched with four Men nightly of the Inhabitors of *Swetopp, Hawicke-Church, Harle* and Mykle *Banyngton*; *Matthew Loreyn* and *George Shaftoo* to be Setters and Searchers of the Watch.

Overſeers of theſe two Watches *Robert Loreyn*, and *Randolf Fenwyke.*

FROM *Hawke* to *Weſt-Whelpington*, to be watched with four Men nightly of the Inhabitors of *Captheton, Weſt-Shaftoo, Eſt-Shaftoo* and *Denam:* Setters and Searchers, *Robert Harle* and *James Sporie.*

FROM *Weſt-Whelpington* to *Raye*, to be watched with four Men nightly of the Inhabitors of *Weſt-Whelpington* and *Ray*; Setters and Searchers *William Elſden* and *John Rotcheſter.*

Overſeers of theſe two Watches, *Ambroſe Swynburne* and *William Danſtaye.*

FROM

FROM *Ray* to *Kyeherſyde*, to be watched with Four Men nightly of the Inhabitors of *Church-Whelpington*, *Fawnes*, *Kyeherſyde* and the *Harlaw:* Setters and Searchers, *Veker Algud*, and *John Fenwyke*.

FROM *Kyeherſyde* to *Harterton*, to be watched with Four Men nightly, of the Inhabitors of *Cowmertone*, *North Myddleton*, *Canno*, *Farmelaw* and *Harterton*; Setters and Searchers, *Robert Fenwyke* and *William Taylour*.

THE Tenants of *Ferneley* to keep a Watch-Man nightly about their own Houſes.

FROM *Harterton* to *Oſteclotheheyd*, to be watched nightly with four Men of the Inhabitants of *Newton-Grange* and *Rothell*; Setters and Searchers *George Fenwyke*, *John Bulloke*.

FROM *Oſteclouthebeyd* to the *Cambill-ford*, to be watched nightly with eight Men of the Inhabitants of *Langwelton*, *Thornton* and *Netherweton*; Setters and Searchers, *Clement Bell*, *John Snawden*.

FROM the *Cambill-ford* to be watched to *Moryſtebirſt*, with four Men nightly of the Inhabitors of *Retton* Lordſhip, *Wengaytes* and *Garetle*; Setters and Searchers, *Rowland Brown* and *Robert Snawden*.

Overſeers of theſe Watches, *Rauff Fenwycke* and *Roger Thornton* of *Wylton*.

FROM *Moreſtebirſt* to the *Stony-ford*, to be watched with ſixteen Men nightly, and Two in every Paſſage of the Inhabitors of *Rotheburye-Foreſt*, of the South ſide of the Foreſt.

FROM *Stony-ford* to the *Hoppe-yaite*, to be watched with Four Men nightly in the Watch,

Watch, of the Inhabitors of *Paperhaughe* and *Helles*; Setters and Searchers of theſe two Watches, *Rowland Grene*, *Roger Erington* and *Roger Grene*.

FROM the Forde of the *Rode-foote* to *Rayesfield*, to be watched with four Footmen of the Inhabitors of *Rothbury*.

Whottone to watch at the *Quarle-Yate* with two Men in the Watch: Setters and Searchers of theſe two Watches, *Thomas Ford*, *Richard Watſon* and *John Naven*.

A Watch to be kept at the *Wakemylle*, with two Men nightly, of the Inhabitors of the *Newton*.

A Watch to be kept at the *Maynedykenooke*, with two Men nightly, of the Inhabitors of *Thorpton*: Setters and Searchers of the Watch *William Barbour* and *John Grene*.

A Watch to be kept at the *Ryall-bank*, with two Men nightly, of the Inhabitors of the ſaid *Throptone*.

A Watch to be kept at the Water of *Rigbe*, with four Men in the Watch, of the Inhabitors of *Suelton*: Setters and Searchers, *John Storer* and *John Sparke*.

A Watch to be kept at the *Weſt-Yate* of *Cartington*, with two Men nightly of the Inhabitors of *Cartington*; Sir *Thomas Bryſe* Preſte, to be Setters and Searchers of the Watch.

Overſeers of theſe Watches, Ser *George Ratclyff*, Knight, *William Carr* of *Whettone*.

A Watch to be kept at the *Stell-ende*, with two Men nightly, of the Inhabitors of Mykle *Toſſon*; Setters and Searchers *William Gallin* and *John Sharperowe*.

A Watch

A Watch to be kept at the *Rakeſyde-hill*, with two Men nightly, of the Inhabitors of Little *Toſſon* and *Farmelaye*.

A Watch to be kept at the *Cote-hill*, with Two Men nightly, of the Inhabitors of *Bekerdone*; Setters and Searchers of theſe Watches, *Perſevall Snawden* and *William Homble*.

THE *Blakeſtayle* to be watched with two Men nightly, of the Inhabitors of the Town of *Heppell*.

THE *Harre-ford* to be watched with two Men nightly, of the Inhabitors of *Wright-hill* and *Kyſtrome*; Setters and Searchers of theſe two Watches, *Gawin Homble* and *George Duhaut*.

Ellelawes to be watched with Two Men nightly, of the Inhabitors of *Flottertone*.

Commelay-hill, to be watched with two Men nightly, of the Inhabitors of *Warton*: Setters and Searchers, *George Story*, and *Hugh Trewet*.

Trewyck-burne, to be watched with two Men nightly, of the Inhabitors of *Nethertrewt*.

Baxſtonehughe, to be watched with two Men nightly, of the Inhabitors of *Overtrewycke*: Setters and Searchers of theſe Watches, *John Galland* and *George Swanne*.

Overſeers of this Watch *Anthony Ogle* and *William Gallande*.

FROM *Overtrewet* to *Yetlington*, to be watched nightly with three Watches, of the Inhabitors of *Trewett*, *Trowett* and *Lurbottell*; Setters and Searchers, *Spraggae* of *Trewete* and *John Swane*.

FROM *Yetlington* to *Glanton* to be watched with eight Men nightly, of the Inhabitors of

of *Yetlington*, *Callelye*, *Weltinggem* and *Bartone*; Setters and Searchers, *John Claveringe* and *John Buttymane*.

FROM *Glanton* to *Old-Bowycke* to be watched with eight Men nightly of the Inhabitors of *Crawlaye*, *Glanton*, *Shaddon*, *Benley*, *New-Bowycke* and *Harrop*: Setters and Searchers *Anthony Roſtone* and the Bayliff of *Beneleye*.

Overſeers of this Watch, *Robert Collingwood* of *Bowyke*, *John Rodam* the Younger, and *William Heron* of *Crawleye*.

FROM *Hele* on the Hill of the Water of *Tyne* to the *Elk-marche*.

THE Watch to be kept at *Moreakers*, with two Men nightly, of the Inhabitors of *Hedle* and *Hedlewodd*.

THE Watch to be kept at the Ford Weſt of *Ovingham*, with two Men of the Inhabitors of *Prodo*; Setters and Searchers of theſe two Watches, *John Harbottell*, and *Richard Sartes*.

THE Watch to be kept at *Hetherford*, with two Men nightly, of the Inhabitors of *Ovinghame*; Setters and Searchers *Nicholas Roderfurthe* and *John Foſter*.

THE Watch to be kept at the *Spittell*, with two Men of the Inhabitors of *Horſley*.

THE Watch to be kept on the Wall at *Welton-burne*, with two men nightly, of the Inhabitors of *Harleye*, *Nesbet*, *Weltall*, *Rutcheſter* and *Wetcheſter*; Setters and Searchers, *John Lawſon* and *William Rutland*.

THE Watch to be ſet at the Head of *Weltonburn-Inning* and *Nesbet dyke*, to be ſet with two Men of the Inhabitors of *Heddon*

of

of the *Wall*, *Thorklaye*, *Eſt-Hedwen*, *Hangton*, and the *Cloſe*.

THE Watch to be ſet at the *Holl-banks* by *Weſt-Ouſtone*, with two Men nightly of the Inhabitors of the ſaid *Hedden*, *Thorklaw*, *Eſt-hedwen*, *Houghton* and the *Cloſe*: Setters and Searchers, *Gawen Roderforthe* and *John Elleſone*.

THE Watch to be ſet at the *Meddle Plankes* by *Weſt Hakwell*, with two Men nightly, of the Inhabitors of *South Deſſington*, *Hakewell* and *Ouſtone*.

THE Watch to be kept at *Stanerdenford*, with two Men nightly, of the Inhabitors of *Echeweke*, *Stanerden* and the *Grange*: Setters and Searchers of theſe two Watches, *John Roderforthe* and *James Rawe*.

THE watch to be kept in the Streyte by the Weſt *Hughe*, with two Men nightly, of the Inhabitors of the ſaid *Hughe*.

THE Watch to be kept at the Eaſt ende of *Badderſyde*, joining to *Blakkodonburne*, with two Men in the Watch, of the Inhabitors of *North Deſſington* and *Datton*; Setters and Searchers *John Daveſon*, and *John Raw*.

Overſeers of the Watches, the Conſtable of *Prodoo*, *Martyn Fenwyke*, *Richard Roderfurthe*, *Clement Rede* and *Thomas Rede*.

THE Watch to be kept at *Blakedoneburn*, with two Men nightly, of the Inhabitors of *Mylborne* Town.

THE Watch to be kept at *Hedden*, with two Men nightly, of the Inhabitors of *Newame* and *Huntleye*: Setters and Searchers of theſe two Watches, *Rauf Robſon*, and *John Redheyde*.

THE

THE Watch to be kept by *Eaſt-Heddenhill*, with two Men nightly, of the Inhabitors of *Blakhedden*.

THE Watch to be ſet at the *Barkhough*, with two Men nightly, of the Inhabitors of *Belſo*; *Roger Harle*, and *John Tendaill* to be Setters and Searchers.

THE Watch to be ſet at the March of *Belſo*, called *Natter-hougbe*, with Two Men of the Inhabitors of *Belſoo*.

THE Watch to be kept at the *Thorn-hill*, with two Men nightly, of the Inhabitors of *Harnam* and *Bradfurthe*: Setters and Searchers of theſe Two Watches, *William Hettone* and *Gyles Ward*.

THE Watch to be kept at the Two Stones, called the *Poind* and his Man, with two Men nightly, of the Inhabitors of *Bellame*.

THE Watch to be kept at the Streyte by *Eſt-Shaſtadore*, with two Men nightly, of *Anggerton*; Setters and Searchers of theſe Two Watches, *George Nycholſon* and *George Raines*.

THE Watch to be kept at the Forde of *Maneſpeke* at *Medleton* South, with two men nightly, of the Inhabitors of *Medleton* South: Setters and Searchers, *George Nycholſon* and *John Cutter*.

Overſeers of this Watch *Robert Raines*, *Robert Medleton*, *Roger Fenwyke* and *John Horſley*.

FROM *Wanesbecke* at *Temple-Mylle*, to the *Nonewodheyd*, to be watched with five Men nightly of the Inhabitors of *Newton*, *Underwood*, *Mekfurthe* of the North-ſide of *Wanesbecke*, *Noveryding*, and *Throple*.

THE

THE Paſſages between *Noveryding* and *Stainton* to be watched with four Men nightly of the Inhabitors of *Pegden* and *Benege*; Setters and Searchers of theſe two Watches, *Harry Mylburne*, and *Denys Atkinſon*.

THE Paſſages betwixt *Staintone* and *Horſley* to be watched with ſix Men nightly, of the Inhabitors of the South-ſide of *Horſley*, *Fenrother*, *Eſliple*, *Heroncloſe*, *Abſheylles*, and the *Sheylles*.

THE Paſſages betwixt *Horſley* and *Theiyſlehaughe* to be watched with five Men nightly, of the Inhabitors of the North-ſide of *Horſley*, *Tod-burn*, and the *Streydes*, by the Water-ſide; Setters and Searchers of theſe two Watches, *William Ogle*, and *John Horſley*.

Overſeers of theſe Watches, *Cuthbert Horſley*, *George Fenwyke*, and *John Wedderingtone*.

THE Paſſages to be kept betwixt *Therſlehaughe* and the *Newton*, with ſeveral Watches nightly, and thereto is appointed the Inhabitors of the Towns and Hamlets from *Feltonbriggend* to *Caldiche-Park*, by Weſt the Streyte; Setters and Searchers, *William Johnſtone*, *Thomas Robinſon*, *John Meele*, and *Robert Browne*.

FROM the *Newtown* to *Lierſheld*, to be watched with two Men nightly, and thereto is appointed the Town of *Edlingtone* and the *Newtone*.

FROM *Lierſheld* to *Bawtonne*, to be watched with two Men nightly, and thereto is appointed the Town of *Lemeden*, and the *Brome-Parke*; Setters and Searchers of theſe two Watches, *Robert Manners*, and *Robert Killingworthe*.

Overſeers of this Watch, *Robert Lyſle*, and *Thomas Swinburne*.

FROM *Bowton* to *Lethington*, to be watched with two Men nightly, and thereto is appointed *Bowton*, *Aberwyke*, and the *Woddhall*.

FROM *Tetlington* to *Haroppeſwyer*, by North the Hill, to be watched with eight Men nightly, of the Inhabitors of *Tetlingtone*, *Basden*, *Sheplay*, *Eſt-Dichburne*, *Weſt Dichburne*, *Eglingham*, and *Haropp*; Setters and Searchers of theſe two Watches, *Cuthbart Mowe*, *John Wethered*, and the Greeve of *Totlingtone*.

Overſeers, *Edward Bednell*, *John Bellingham*, *Luke Ogle*, and *Rauf Collingwood*.

THE Straytes and Paſſages from the Water of *Tyne* at *Newborn-Lonnyng*, with two Men nightly, of the Inhabitors of *Newborn*.

THE Watch to be kept at *Dowlaye*, with two Men nightly of the Inhabitors of *Walbottill* and *Butterleye*; Setters and Searchers of theſe two Watches, *Roger Anderſon*, and *John Watſone*.

THE Watch to be kept at *Throklawcloſe*, to be watched with two Men nightly of the Inhabitors of *Elſweke*, *Fennan*, *Kymetton*, and *Coxloge*; Setters and Searchers, *Gylbert Erington*, and *John Harope*.

THE Watch to be kept at the Streyte of the *Deſelawe*, with two Men nightly, of the Inhabitors of *Bynwell* and *Dentone*.

Overſeers *John Muſgrave*, and *Rauff Ogle*.

THE Watch to be kept at the Streyte of the North ſide of *Heddon-law* to be watched with two Men nightly, of the Inhabitors of *Fanden-Burtone* and *Burtone.*

THE Watch to be kept at the Water of *Pont*, with two Men nightly, of the Inhabitors of *Hecallertone* and *Blakecallertone*: Setters and Searchers of theſe two Watches, *William Foſter* and *Rauff Collingwodd.*

THE Watch to be kept at *Deſſingtone-dyke-nooke*, with two Men nightly, of the Inhabitors of *Ponttelland* and *Ellandhall.*

THE Watch to be kept at the Streyte of *Smalburne*, with two men nightly, of the Inhabitors of *Preſtweke* and *Callertoune.*

THE Watch to be kept at *Calcots-borne*, to be watched with two Men nightly, of the Inhabitors of *Mersſen* and *Domyngtone*; Setters and Searchers, *Heughe Coſton* and *Wenſhopp.*

Overſeers of this Watch, *Anthony Medfurth* and *Gilbert Erington.*

THE Paſſages from *Calcottes* to *Meldendeugles* at *Wansbeke* to be watched with ſixteen Men nightly, of the Inhabitors of *Calcottes*, *Highandykes*, *Kyrklaye*, *Barwyke-hille*, *Hortongrange* and *Brenkleye* to *Belſoe-edge* and the Inhabiters of *Ogle*, *Whatton*, *Trewycke*, *Moſden*, *Melden* and *Replingtone*, from *Belſo-edge* to *Melden-Deugles*; Setters and Searchers of theſe Paſſages, *John Tuſſel*, *Thomas Symſon*, *Richard Anderſon*, *Edward Rawe*, *Thomas Robſone*, *George Leightone*, *Robert Symſon* and *Chriſtopher Yonge.*

Overſeers, *Lancelot Ogle*, *Harry Ogle*, the Lord of *Melden*, *Jarret Heron* and *Chriſtofer Fenwyke.*

FROM

FROM *Kyrllay-mylle* to *Medforthe*, to be watched with twelve men nightly, of the Inhabitors of the Three *Doddems*, *Twyſell*, *Satwicke*, *Shelvingtone*, *Stanyngtone*, *Clyſtone-field*, *Trenwell*, *Heighe Chuke*, *Chatcheburne*, *Stobbill*, *Highe-houſe*, *Abbaymil*, *Medforthe* of the South ſide of the Bridge, and *Eddington*: Setters and Searchers of theſe Watches, *Richard Rand*, *Cuthbart Pye*, *Edward Graye*, *Wyllyam Copping*, *George Harker*, *John Sabrame*.

Overſeers, *Cuthbart Medforthe*, *Gawen Ogle*, *Matthew Ogle* and *John Ogle*.

FROM *Morpethe-Lonnynge* to *Rauf Lillies* Houſe, to be watched with twelve Men of the Inhabitors of *Langherſt*, *Pegſworthe*, *Hebburne*, *Hougham*, *Tytlingtone* and *Erſden*; *William Taylier*, *John Alben*, *Thomas Sympſon*, to be Setters and Searchers of the Watch.

Overſeers, *Robert Ogle* and *John Wilſon*.

THE Watch to be ſet from *Rauf Lillies* Houſe to *Cokkett*, with Four Men nightly, of the Inhabitors of *Weſt Chevingtone*, *Eſhott*, *Therſtone* and *Bokenfield*; *George Matroke* and *William Hudſone* to be Setters and Searchers of theſe two Watches.

Overſeers, *John Heron* and *Anthony Heron*.

FROM *Tyne* to *Hartforthe-brigge*, to be watched nightly with ſixteen Men, of the Inhabitors of *South Gosford*, *Coxloge*, *Benton* the Great, and *Benton* the Leſſe, *Hebton* and *Helton*, *Jeſmont*, *Walker* with the three *Mylles*,

Wyllingtone, *Walſend* and *Byker*; Setters and Searchers of theſe Watches, *Jenkin Pierſon*, *Thomas Taylor*, *Richard Chekin* and *John Preſton*.

Overſeers, *Robert Lawſon*, *Lancelot Lyſle*, *Chriſtopher Medforthe*, *Baldwin Fenwyke*, *Barthram Anderſon*.

THE Straites and Paſſages from *Shotton-Dyke-nooke* to *Hartforthe-brigge*.

AT *Shotton-Dyke-nooke* to be watched with two Men of the Inhabitors of *Shotton* and *Harfurthe*: Setter and Searcher, *George Morton*.

THE Watch to be kept at the North ſide of the *Downe-hill*, with Two Men nightly of the Inhabitors of *Horton* and *Bebſyde*: Setter and Searcher, *George Morton*.

THE Watch to be kept at the *Lorakenhill*, with two Men nightly of the Inhabitors of *Cowpon*, *Blytheſ-nooke*: Setter and Searcher, *George Mortone*.

Overſeers, *Liell Fenwyke* and *John Bell*.

THE Watch to be kept at the *Colldores*, with Two Men nightly, of the Inhabitors of *Hartlay*; *John Ray* to ſet the Watch.

THE Watch to be kept at *Lennenns-dyke nooke*, with two Men nightly, of the Inhabitors of *Cramlington*; *John Ray* to ſet the Watch.

THE *Pryers-banks* to be watched with Two Men nightly, of the Inhabitors of *Setton*, *Dallovel*, *Newſhame*, *Hallwell*; Setter and Searcher of this Watch, *John Ray*.

Overſeers, *Gregory Ogle* and *Richard Lyſle*.

THE

THE Straits and Paſſages from *Bottell-Park* to *Wetherington-Park* Gate, with Ten nightly, of the Inhabitors of the *Old-more*, *Couyngorthe*, *Shepweſhe*, *Eſhenden*, *Setton*, *Newbigging*, *Wodhorne*, *Kyrſwell*, *Ellington*, *Lymnothe* and *Newmore*: Setters and Searchers, *Thomas Wyllſon*, *Hobby Smith* and *Wyllyam Twedell*.

Overſeers, *Oſwold Kyrſwell*, *Thomas Gray*, *George Ogle*, *Jarrat Erington*.

THE Watch to be kept from *Wetherington-Park-nook* to *Cokket*, with Fourteen Men nightly, and thereto is appointed Inhabitors of *Wetherington*, *Dreregbe*, *Eſt Chevingtone*, *Hadſton*, *Aicklington*, *Toxden*, *Haxlaye*, *Warkworthe*, *Ambell*, *Gloſter-hill* and *Moryke*: Setters and Searchers, *John Fenwyke*, *Edward Tromble*, *John Harford*, *Edward Clerk*, *John Wilſon* and *Perſevall Wylkynſone*.

Overſeers of theſe Watches, Ser *John Wetherington* Knight, *John Heron*, *John Wetherington*, and *Thomas Finche*.

THE Watch to be kept from *Hodgecroft* to *Rong-hole*, to be watched nightly with Ten Men of the Inhabitors of *Whyttell*, *Shelbottell*, *Bylton*, *Over-boſton*, *Woddon*, *Netherboſton-grange* and *Berling*; Setters and Searchers, *Rughle* and *Snepe-houſe*.

FROM *Mozy-ford* unto *Kirk-hill* of *Alnwyck-more*, to be watched nightly with ſix Men in the Watch, of the Inhabitors of *Alnwyck-more*.

FROM *Chryſtofer Armerers* to *Sheplegate*, to be watched nightly with Fourteen

Men of the Inhabitors of *Longhoutton*, *Elmonthe*, *Lesberry*, *Ankle*, *Denyke*, *Broxfeld*, *Ekle*, *Berne yardes*, *Belyzayte*, *Cany-gate* and *Walker-gayte*; Setters and Searchers of these Watches, the Keepers of the West Parks, *Anwyke* and *Hall-park*.

Overseers of the said Watches, Ser *Robert Ellerker* Knight, *George Medcalfs*, *William Barryfone* and *Geo. Carre*.

FROM the *Wheme-hill* unto *Blakedendiche corner*, to be watched nightly with Ten Men in the Watch, of the Inhabitors of *Killinguorthe*, *North Gosford*, the two *Wetfhelder* and *Borroden*; Setters and Searchers of these Watches, *Robert Berker* and *John Herkyn*.

Overseers of the Watch, *John Dallavell* and *John Medforthe*.

COPY

Of LETTERS *from my Lord* Wharton, *for Search of the said Watches upon the* Middle-Marches; *with the Kalender of the Gentlemen Searchers, and their several Circuits.*

AFTER my Hearty Commendation unto you: Forasmuch as you be elected and appointed to have the Over-sight and Search of the Watches ; which I doubt not but you have, and will see duely executed, to the Kings Majesties Honour, and Preservation of the common wealth of the Country,

Country, according to the Truſt and Charge committed to you in this behalf: And for better execution of the ſame, I require and will you, in the Kings Majeſties Name, that ye make due ſearch throughout all the ſaid Watches, upon *Sonday* Night next, the 15*th* of this Inſtant: And wherein you ſhall find any default, that you give charge to the Officers where ſuch Defaults are, to bring unto me to *Alnewyke*, immediately the Offenders, with Declaration in Writing from you, in what order you do find the ſaid Watches; and alſo, that from time to time, ſo often as your diſcretion ſhall think requiſite, you make ſubſtantial ſearch throughout your Limits, ſending the Offenders unto me in form as before; and upon *Saturday*, which ſhall be the Twenty eight Day of this preſent Month of *January*, that you certifie me by your Letters to be ſent to *Alnewyke*, how the ſame Watches are continued and kept, and ſo every *Saturday* monthly, from the ſaid 28*th* to make your Certificate to *Alnewyke*, where the ſame ſhall be received: And that you give knowledge to all the Officers and Subjects within your Circuit of Watch, That whoſoever doth not obſerve and keep the ſaid Watch, and ryſe to Fray and following, ſhall be puniſhed according to the Laws of this Realm, and Commandments given for the ſame: Fail you not hereof, as ye tender the Kings Majeſties Pleaſure, the common wealth of the Countrey, and will anſwer at your perill. And heartily fare you well.

At the Caſtle of *Alnewyke*, the 11*th* of *January*.

FOR the Fords of *Belleſter* and the *Mylnpethe*, between the foot of *Gowenwod-burne* and *Lamleye*, between *Parkinford* and *Snaw burne-foot*, *Knarcſden* on the outſide of *Tyne*, from *Blenkenſop*-Caſtle to the *Thirlway*, and to *Redpethe* and *Wydon*, the *Burne-foot* of *Kellow*, the Watch at *Lamley*, at *Smalholm-ford*, and *Leydgayte*; *Albany Fetherſtonhalſs* and *Henry Walles*.

FOR *Thirlwaye*, *Robert Thirlwaye*.

FOR the Fords under the *Rydly-hall*, the *Millhouſe ford*, the *Spentginges-Rake*, the *Strindferdes*, the *Semacres-ford*, *Lynt-haughe-ford* with *Holborne*, the Ford of *Hautweſell* at *Mychael-gate*, *Belleſterford*, the *Mylhouſe*, *Thorngraſto*, the *Henſtaugh*, the *Mylcragg*, *Hautweſel*, the *Wawtown*, *Kings-hill* and *Kawcragg*.

Nicholas Rydley, *Hughe Crawhaughe*, *Nicholas Blenkenſop*, the Bayliff of *Hawtweſell*.

FOR the Fords under *Morelye*, *John Rydleye*, and *Thomas Maughen*.

FOR the *Leys-Fords*, *Martin Turpen*, *Clement Maughen*.

FOR the *Grene-forde*, *Thomas Fetherſtonhalſs*, and *Robert Thompſon*.

FOR *Bonhaughe-ford*, and two Fords under *Wodhall*, *Robert Elrington*, and *Thomas Armſtrong*.

FOR *Medop ford*, the *Mylne-ford*, *Epond-park-ford*, *Gawens-ford*, the Fords under *Woodhall-park*, and the *Owmers*, with the *Willy-ford*; *John Carr*, and *Nycholas Erington*.

FOR all Fords, Paſſages, and Places of Watch within the Barony of *Langley*, *Werdan*, and *Newburghe*; *Nycholas Erington*, *Mathew Turpen*, *Richard Carneble*, and *Rowland Stokoo*.

FOR all the Paſſages at *Whitefeld*, at *Raw-yate*, at *Elrington-gate*, and *Houpburne*.

The

The Laird of *Whytefeld*, and the Laird of *Ouſtone*.

FOR the Paſſages and Places of Watch in *Allendaill*, at *Epdam*, at *Windo-heyds*, at *Pyot burne-head*, at *Symeslane*, at *Cattonwythes*, at the *Watermeetings* at *Monk-ford*, at *Bowman's-Pool*, at *Senebriche*, the *Dykenooke*, and *Elneclugh-foot*; *Mathew Bee*, *Hughe Sheill*, *Chriſtopher Bee*, *John Bee*, *John Sheill*.

BETWEEN *Hawkneſt* and *Thokrington*; *John Shaftoo*, and *Rauff Wetherington*.

ALL Fords, Paſſages, and Bounds within *Bywell* Lordſhip, the Rake of *Balden*, *Langley*-rake, and *Newbridge*-rake; *Thomas Elrington*, *Anthony Ratcliff*, and *Anthony Carnebye*.

AT *Aperby-forde*, *Byrſ-nooke*, *Shel-ford*, *Smel-ford*, and *Smartyſ*-rake; *Richard Swinburne*, and *John Hurde*.

AT *Sheyſters*, *Lytle Sheldon*, and *Matſenwaies*; *Thomas Swinburne*, and *Edward Lawſon*.

BY NORTH the Water of *Tyne*, beginning at the *Water-meetings* to *Oreen-foot*, and up *Oreen* to *Halyden-Milln*; *Davye Carnebye*, *Thomas Carnebye*, *Thomas Erington*.

AT *Newland*, *Deip-dam-ford*, *Hopenford*, *Hudſtoke-ford*, *Wexwaſſe-ford*, *Hughfeld-heyd*, *Duram-ford* in *Weſtburnhoppe*, at *Meklokwies* beſides *Lede-ford*; *Henry Ogle*, *Edmond Gybſon*, and *James Hurde*.

FOR *Hexham* Town and *Coſteye*, the *Mylne-ford*, *Coole-ford*, two *Warden-fords*, the Three Fords under *Coſteye*, the *Darburneyes*; *William Conyers* Bayliff of *Hexham*, *John Rydley* and *Gilbert Carnebye*.

FROM *Tyne* to the North ſide *Shildenloughe*, *Cork-bridge*, *Mylne-ford*, *Sande-Yaite*, the Pyttes in *Stagſhaw*, at *Wyſeford*, and the Hill beſides *Pepper-Crooke*, at *Streyte-Tate*,

Hopſter-hole, *Shelcloſe-nooke*, and *Ryolt-ford*; *Cuthbart Carneby* and *Thomas Wyldone*.

WITHIN all the Fords, Paſſages and Places of Watch, within the Bounds of *Tyndaill*; *George Heron* and *John Heron*.

WITHIN all the Fords, Paſſages and other Places of Watch, within the Bounds and Limits of *Ryddiſdail*; *Cuthbart Muſgrave* and *John Hall*.

OF the Day-Watch of *Ryddiſdaill*; *Cuthbart Muſgrave* and *John Hall*.

OF the Day-Watch of *Tyndaill*; *George Heron*, and *John Heron*.

THE Day-Watch at *Doughin*; ———

———————————

THE Day-Watch at *Blakpoole-rigg*; *Albany Fettherſtonhalſs* and *Henry Walles*.

THE Day-Watch upon *Gatenſyde-riggs*; *Robert Thirlwaye*.

THE Day-Watch at *Brandley* at *Hairheughe*, from *Kings-hill* to *Kawcragg*; *Nicholas Rydley*, *Hughe Cranhaughe*, and *Nycholas Blenkenſope*, Bayliffs of *Hautweſell*.

THE Day-Watch of *Warden*, *Newburgh* and the Barrony of *Langley*; *Richard Carneby*, *Hugh Eringtcn*, *Robert Kirſoppe*, *Rowlande Stokoo* and *Chriſtopher Stokoo*.

THE Paſſages from *Allenton* to *Clenell*, from *Clenell* to *Belleſden* and *Sharnwode*, from *Sharnwode* to *Alnen*, from *Alnen* to *Prendeke*, from *Prendeke* to *Ingram*, from *Ingram* to *Revelye*, from *Revelye* to *Rodam*, from *Rodam* to *Elderton*, from *Elderton* to *South Mydleton*, and ſo to *North Mydleton* and *Calgayte*.

Overſeers, *Thomas Elderton* and *Jaſper Meylle*.

FOR the Paſſages from *Thokington* to *Swetopp*, and from *Swetopp* to *Awycke*.

Over-

Overſeers; *Robert Lorron*, and *Randal Fenwyke*.

FROM *Awyke* to *Weſt-Whelpington*, and from that to *Raye*.

Overſeers, *Ambroſe Swynburne* and *William Danſeye*.

FROM *Raye* to *Kycherſyde*, from *Kycherſyde* to *Harterton*, from *Harterton* to *Oſlecleughe*, from *Oſlecleughe* to the *Clambill-ford*, and ſo to *Moryſlehirſt*; *Rauf Fenwyke*, and *Roger Thornton*.

FROM *Moryſlehirſt* to the *Stony-ford*, from *Stony-ford* to the *Hoop*, from the Ford at the *Rode-foot* to *Rayes-feld*, *Whytton* Watch, at *Wake-Myllne*, the Watch at *Wandyke-nooke*, the Watch at *Raylbanke*, the Watch of *Rygbe*, and at the Weſt-Gate of *Charington*: Sir *George Ratcliff*, Knight, and *William Carr* of *Whetton*.

THE Watch at *Steland* at *Rakſyde-bill*, at the *Cotehill* at *Blackſtete*, at *Herford*, at *Elcawes*, *Conylyr-hill*, at *Trewkburne*, and at *Blakſtanheughe*; *Anthony Ogle* and *William Calland*.

FROM *Overtrewet* to *Yetlington*, from *Yetlington* to *Glanton*, from *Glanton* to Old *Bowyck*; *Robert Collingwodd* of *Bukele*, *John Rodome* the Younger, and *Wylliam Heron* of *Crawling*.

OF the Watch of *Moreakers*, at the Ford of the Weſt of *Ovengham*, at *Hatherford*, at the *Spittel* on the Wall, at *Weltenburne*, at the head of *Welten-burne* to *Neysbet-dyke*, at *Hollobankes* by Weſt *Ouſton*, at *Mydle-plankes*, at *Standerdane-ford* in the Strete, by Weſt the *Hughe* at the Eaſt-ende of *Badderſide* unto

Blackhadden; Conſtable of *Prodoo*, *Martyn Fenwyke*, *Richard Rotherforthe*, *Clement Reyde*, *Thomas Reyde*.

FOR the Watch at *Blakhadden-burne* at *Hadden-Lonnyng*, by Eaſt *Haddenhill* at *Barkhughe*, at the Mers of *Belſo* called *Notheughe*, at *Thornehill*, at the two Stones called *Ponde*, at the Strete by Eaſt *Shaſtoo-dore*, and at the Ford of *Waneſperke*, at *Mydletoneſouth*; *Robert Raines*, *Robert Mydleton*, *Roger Fenwyke*, and *John Horſley*.

FROM *Wandsbecke* at *Temple-mylne* to the *Minwood-heyd*, the Paſſages between *Newrydding* and *Stainton*, between *Sainton* and *Horſley*, from *Horſley* to *Theriſlehaughe*; *Cuthbart Horſleye*, *John Wedrington*, and *George Fenwike*.

BETWEEN *Theriſlehaughe* and *Newtowne*, from *Newtowne* to *Lierſhelde*, from *Lierſhelde* to *Bowton*; *Robert Lyſle* and *Thomas Swinburne*.

FROM *Bowton* to *Telington*, and ſo to *Haropſwier*, by North the Hill; *Edward Bednel*, *John Ballingham*, *Luke Ogle*, and *Rauf Collingwodd*.

THE Straytes and Paſſages from the Water of *Tyne* at *Newburne*, North to the Eaſtmerche at *Newburne* Lonnyng, at *Dowley*, at the Strete of the deip land, and at *Throklawcloſe-heyde*; *John Muſgrave*, and *Rauf Ogle*.

UPON the Streyte of the North-ſide of *Haddenlaw* upon the Water of *Pont* at *Dyſſington* Dyke-nooke, at the Streyte of *Smalburne*, and at *Calcottes burne*; *Anthony Metfurthe*, and *Gilbert Erington*.

FROM the Paſſages from *Calcottes* to *Melden* in *Deuglas*, at *Wanſpeke*, and from *Kelſoo-edge* to *Melden*; *Lancelot Ogle*, *Henry*

Ogle,

Ogle, the Lord of *Melden*, *Jarett Haron*, and *Chriſtopher Fenwyke*.

FROM *Kyrklay-Milne* to *Medſurthe*; *Cuthbart Medſurth*, *Gawen Ogle*, *Matthew Ogle*, *John Ogle*.

FROM *Morpethe-Lonnyng to Rauff Lillies* Houſe; *Robert Ogle*, *John Wilſon*.

FROM *Rauff Lyllies* Houſe to *Cokkette*; *John Heron*, *Anthony Heron*.

FROM *Tyne* to *Harſurthe-brigge*; *Robert Lawſon*, *Lancelot Liſle*, *Chriſtopher Medfurth*, *Bandwyn Fenwyke*, *Bartram Anderſon*.

AT *Shotton-dyke-nooke*, at the North ſide of *Down-hill*, and at *Braken hill*; *Lionell Fenwyke*, *John Belle*.

AT the *Collendores*, at *Lamens-dyke-nook*, and at *Pryers-banks*, *Edward Dalwell*, *William Lawſon*, *Lancelot Cramylton*, *Jaret Lawſon*, *George Lawſon*.

FOR the Paſſages from *Harſurthe-brigg* to *Morpethe-Park-nook*; *Gregory Ogle*, *Richard Lyſle*.

FROM *Bottle-Park* to *Wedrington-Park nook*; *Oſwold Kyrſwell*, *Thomas Gray*, *George Ogle*, *Jaret Erington*.

FROM *Wedrington-Park-nook* to *Cokkett*; Sir *John Wetherington* Knight, *John Heron*, *John Weddington* and *Thomas Finch*.

FROM *Hedgcroſt* to *Roughell*, from *Mozi-ford* to *Birkhill* of *Alnewyke-more*, and from *Chriſtopher Armorers* to *Sheple-Yaite*; Sir *Robert Ellecker* Knight, *George Medcalf*, *William Harriſon*, *George Carre*.

FROM the *Whymy-hill* unto *Blakedendiche corner*; *John Dalwell*, *John Medſorthe*.

The

The East Marches.

The ORDER *of the Watches upon the* East Marches, *made by the Lord* Wharton, *Lord Deputy Warden Generall of all the Three* Marches, *under my Lord of* Northumberland's *Grace, Lord Warden Generall of the ſaid* Marches; *in the Month of* October, *in the Sixth Year of the Reign of our Soveraign Lord, King* Edward *the Sixth.*

FIRST, The Watch along the Water of *Warn*, from *Warn-mouth* to *Doxford-burne*, appointed by Sir *John Horſley* and Sir *John Foſter*, Knights.

William Maners to ſet one Watch-Man betwixt his Houſe and the *Blake-dyke.*

THE Town of *Buddel* to keep two Watch-Men nightly alongſt the *Warihe* and *Warn-bridge.*

THE Town of *Utcheſter* to keep two Men nightly, at the *Righe-heughe.*

THE Town of *Spyndell ſtone* to keep two Men nightly, in the Watch at the *Tylly ford.*

THE Town of *Burton* to keep two Men in the Watch nightly, at the *Cattford.*

THE Town of *Shoſton* to keep two Men nightly, in the Watch at the *Howforde.*

THE Town of *Elford* to keep two Men in the Watch nightly, at the *Swallow-Mylles.*

THE Town of *Sunderland* to keep two Men in the Watch nightly, at *Lucker-ford.*

THE Town of *Bednell* to keep watch with two Men nightly, at *Wedſydend.*

THE

THE Town of *Newham* to keep watch with two Men nightly, at *Myerſyde-gate.*

THE Town of *Swynnow* to keep watch with two Men nightly, at the *Chat-hill.*

THE Town of *Tuy-hill* to keep watch with two Men nightly, at *Hunger-ford.*

THE Town of *Preſton* and *Dox-ford* to keep watch with two Men nightly, at *Eldwodeſyde-end.*

THE Town of *Ellingham* to keep watch with two Men nightly, at the *Hayrelawe.*

THE Town of *Bamburge* to keep watch with two Men nightly, and to watch between *Hoppen* and *Lucker-ford.*

THE Setters and Searchers from *Wodſyde-end* to *Doxford-burn*, *Nycholas Foſter*, and *Rowland Bradforthe*; and from *Warne-mouth* to *Wodſyde-end*, Sir *John Horſley* and Sir *John Foſter*, Knights.

The Names of the Watch Places, and Number of the Towns thereunto appointed, by Edward Bradford *Bayliff of* Emylton, *and ſo to* South-Charlton.

THE Town of *South Charlton* and *Renington* to keep watch with three Men nightly, at the *Callow.*

THE Town of *North Charlton* and *Rock* to keep watch with three Men nightly, at the *Winding gate.*

THE Town of *Staneford* and *Roke* to keep watch with three Men nightly, at the *Scotts cloſe-nooke.*

THE Town of *Howicke* and *Craiſter* to keep watch with three Men nightly, at the *Karnelaw.*

THE

THE Town of *Dunſtone* and *Newton* to keep watch with three Men nightly, at *Archeford.*

THE Town of *Emylton* to keep watch nightly with three Men at *Pyethe-nooke.*

Edward Bradforthe, and the Bayliff of *North Charlton* to be Setters and Searchers of the ſaid Watches.

The Watch alongſt the Water of Tyll, *from* Twede *to* Hebburne.

HOuden-*burne-mouth* and the Rake under *Tyndail-houſe* to be watched with two Men nightly, of the Inhabitors of *Fenwycke.*

A Rake betwixt *Tyndail-houſe-banks* to be watched with two Men nightly, of the Inhabitors of *Berington.*

THE *Tour-ford* to be watched with two Men nightly, of the Inhabitors of *Goſſyck* and *Lowlyne.*

Heton-Mylne-ford to be watched with two Men nightly, of the Inhabitors of *Angroſt.*

Typto-Racke to be watched with two Men nightly, of the Inhabitors of *Duddo* and *Felkington.*

Serjehaughe-ford and *Ryehaugh-ford* to be watched with four Men nightly, of the Inhabitors of *Haggerſton* and *Theſſyke.*

THE *Wane-ford* to be watched with two Men nightly, of the Inhabitors of *Bealle.*

Twyſel brydge to be watched with two Men nightly, of the Inhabitors of *Twyſell.*

THE *Redd ke-ford* and *Rother-ford* to be watched with three Men nightly, of the Inhabitors of *Skemer-ſtone.*

THE

THE Captain of *Norham* to cauſe theſe Watches to be ſet and ſearched.

The Watch upon the Water of Twede, *from* Tyllmouth *to the* Belles.

Gradon-ford to be watched with Two Men nightly, of the Inhabitors of *Gryndone*.

THE *Over-dam-ford*, the *Nether-dam-ford*, *New-bigging-ford* and *Bate-ſtreme-ford* to be watched with two Men nightly, of the Inhabitors of the Two *New-biggings*, the *Grotcheughe*, and the Town of *Norhame*.

THE *Weſt-ford* of *Norhame* to be watched with Two Men nightly, of the Inhabitors of *Norhame*.

A Ford under the Caſtle of *Norham* to be watched with one man of the Town of *Thorntown*.

THE *Grene-hill-ford* to be watched with two Men nightly, of the Inhabitors of *Meretoune* and *Unthank*.

THE *Willi-ford* to be watched with Two Men nightly, of the Inhabitors of *Threſwod* and *Emont-hill*.

Newter-ford to be watched with two Men nightly, of the Inhabitors of *Horneclyſs*.

THE *Yard-ford* to be watched with Two Men nightly of the Inhabitors of *Orde*.

Bellis-ford to be watched with Two Men nightly, of the Inhabitors of *Spettell* and *Twed-mouthe*.

Thomas Carr to cauſe theſe Watches to be ſet and Searched.

The Fords upon Tyll, *within the Lordſhip and Bounds of* Forde.

Edder-

Eddersley-Mylne-ford to be watched with two Men nightly, of the Inhabitors of *Bousden.*

AT *Ford-brydge* to be watched with Two Men nightly, of the Inhabitors of *Barmere.*

Crosse-ford to be watched with Two Men nightly, of the Inhabitors of *Ford.*

THE *Coote-ford* and *Selbye-ford* to be watched with two Men nightly, of the Inhabitors of *Lowycke.*

Boudenes-ford to be watched with two Men nightly, of the Inhabitors of *Kymerston* and *Brome-rygge.*

Hartsyde-ford to keep watch with Two Men nightly, of the Inhabitors of *Burnford.*

Thomas Carr to cause the Watches be set and searched.

The Fords of Tyll, *within the Bounds of* Fenton.

THE *Pawperhill-ford* to be watched with Two Men nightly, of the Inhabitors of *Fenton.*

Rauf Gray to cause the Watch to be Set and Searched.

The Fords upon Tyll, *within the Bounds of* Dodington.

Wylcokes-hill to be watched with Two Men nightly, of the Inhabitors of *Hudsone.*

THE Two Fords of *Dodington-brydge* to be watched with Two Men nightly, of the Inhabitors of *Fenham* and *Ellyeker.*

THE *Paweslay-ford* to be watched with Two Men nightly, of the Inhabitors of *Rosse.*

Rauf

Rauff Gray of *Chyllingham* to cauſe the Watch be Set and Searched.

AT *Cadgate-mouth*, Two Fords to be watched with Four Men nightly of the Inhabitors of *Dodington*.

Rauff Gray of *Chyllingham* to cauſe the ſame be Set and Searched.

The Fords within Chillingham *Bounds, upon the Water of* Tyll.

THE *Hyndes-ford* to be watched with Two Men nightly, of the Inhabitors of *Chillingham*.

THE *Stobble-ford* to be watched with Two Men nightly, of the Inhabitors of *Edderſton*.

THE *Brydge-ford* to be watched with Two Men nightly, of the Inhabitors of *Chillingham*.

Hartſide ford to be watched with two Men nightly, of the Inhabitors of *Hebburn*.

Hebburn-mylne-ford to be watched with Two Men nightly, of the Inhabitors of *Mouſſen*.

Rauf Gray of *Chillingham*, to cauſe the ſame be Set and Searched.

The Fords upon Tyll, *within the Bounds of* Whetwodde.

Paudpall-ford to be watched with Two Men nightly, of the Inhabitors of *Whetwodde*.

THE *Weſt-ford* to be watched with Two Men nightly, of the Inhabitors of *Utcleſte*.

THE *Newbrydge-ford* and the *Milne ford* to be watched with Three Men nightly, of the Inhabitors of *Yeſſentone*.

John

John Rodam to cauſe the Watch to be Set and Searched.

The Fords within the Bounds of Hortone.

Garret-Hill-ford to be watched with Two Men nightly, of the Inhabitors of *Horton*.

THE *Mylne-ford* to be watched with Two Men nightly, of the Inhabitors of *Dichante*.

THE *Crook-ford* and *Fowberry-ford* to be watched with Three Men nightly, of the Inhabitors of *Myddletone*.

THE *Wellycrook-ford* to be watched with Two Men nightly, of the Inhabitors of *Hetone*.

Sir *Thomas Gray* Knight, to be Setter and Searcher of the Watch.

The Fords upon Tyll, *within the Bounds of* Lyem *and* Chatton.

Lyem-bridge to be watched with Two Men nightly, of the Inhabitors of *Lyem*.

THE *Bull-ford* to be watched with two Men nightly of the Inhabitors of *Heſſilrigge*.

Thorne-ford and *Chatton-ford*, to be watched with three Men nightly of the Inhabitors of *Bell-ford*.

THE *Kyrk-ford* to be watched with two Men nightly, of the Inhabitors of *Howburne*.

Thomas Reveleye to appoint, ſet and ſearch the ſaid Watches.

ALSO, there is Thirty Nine Fords ſeverally within the ſaid Circuit, upon the Water of *Tyll*, which the Tenants of the foreſaid Townes will damm and ſtopp, becauſe they

they are not able to watch them; and may ſtopp them with leſs travel; and for the other Fords, whereunto Watch is appointed, cannot be dammed or ſtopped.

The Watch upon the Water of Twede, *from* Tyl-mouth *to* Ryden-burne.

Tyl-mouth, *Chappel-ford*, *Randol-ford*, *Cuthbart-Chappel-ford*; every one of them to be watched with two Men nightly, of the Inhabitors of *Tylmouth*; *James Selby*, *John Fettowes*, to be Setters and Searchers.

Blakſmyl-ford, *Swape-ford*, *Cleyclott*, *Thornford*, every one to be watched with two Men nightly of the Inhabitors of *Cornwall*; Setters and Searchers *Bartram Hudſpethe*, and *George Hudſpethe*.

Fierborne, *Myl-ford*, Saint *Jely-ford*, every one to be watched by two Men nightly, of the Inhabitors of *Warke*; *Edward Chamblan*, *Edward Weſt*, to be Setters and Searchers; and *Thomas Carre*, and *William Swinow*, to be Overſeers.

The Watch upon the Weſt-ſide of Tyll, *from* Langley-ford *to* Ryden-burne.

Langley-ford, *Preſton*, *Byrkes*, *Huntroodes*, *Dawſons-rode*, to be watched with eleven Men of the Inhabitors of *Mydleton-hall*, *Mydleton* South, *Mydleton* North, Weſt *Lylburne*, the *Newtone*, and *Chatton*.

Setters and Searchers, *Gilbert Wallis*, *Francis Revelye*, *Dennys Fenwyke*, *Dyxſons John*, *John Rotherford*, *Henry Rotherford*, and *Samſon Shaſtoe*.

Wake-

Wakerych, the Foot of *Trow-burne*, at the meeting *Rockſyde-burne*, and *Aylsdam-burne*, to be watched nightly with ſix Men, of the Inhabitors of *Woller*, and *Hommyltone*.

Setters and Searchers, *William Strodder*, *Thomas Walles*, and *Thomas Hall*.

THE *Cow-ford*, *Hemmipeſwyer*, *Kyllam-burne*, *Kyllam*, *Blayklaw*, to be watched with eight Men nightly, of the Inhabitors of *Akyld*, *Newton* Eaſt, and *Newton* Weſt, *Sward*, and *Copland*.

Setters and Searchers, *Gabryel Dune*, *Quynten Routledge* of *Killam*, and *John Meſchance* of *Hawtill*.

Panſton, *Pytmyeres*, *Ryehau-ford*, *Shottenburnmouth*, *Turnchеſter-bogg*, Northſide of *Myndram-bogg*, *Tenerſheughe*, to be watched with fourteen Men nightly, of the Inhabitors of *Langton*, *Mylne-feld*, *Edderſtaw*, *Brangeſtone*, *Heton*, *Howtyll*, *Pawſton*, and *Myndram*.

Setters and Searchers, *Oliver Selbie*, Baylif of *Myndram*, and *William Selbie* the elder.

Lintlandes, *Preſton-mylne*, *Jakes-dyke*, *Crokesmyer*, *Langdean*, and *Dunſton*, to be watched with twelve Men nightly, of the Inhabitors of *Preſton*, *Larmouth*, *Crokham*, *New-Hall*, *Karham*, and *Warke*.

Thomas Carr, Captain of *Warke*, to ſet and ſearch the Watch; beſide the Watch upon the Water of *Twede*.

THIS Watch to begin the Firſt Night of *October*, and to continue unto the Sixteenth day of *March*; and the ſame ſooner to begin, or longer to continue at the Diſcretions of the General, or of the Deputy-Warden, for the time being.

ALL this Watch notwithſtanding every Townſhip aforenamed, to appoint and have a Man to watch their Town nightly; to be ſearched by thoſe Perſons named Searchers in this Book, as well to raiſe Frays from other Watches, as Occaſion ſhall be, as for Safeguard of other Towns.

ALSO, all the other Towns, not named in this Book, every Town next together to deviſe and ſet their Watch without their Towns, at moſt needful Places, as the Bayliſs and Conſtables ſhall appoint.

ALSO, all Men on Horſe and Foot, to follow the Fray, with Hue and Cry, according to the Laws of the Realm, upon pain of death; and every ſuch Perſon or Perſons as ſhall take any Offenders, *Engliſhman* or *Scotſman*, within this Realm; he or they which ſo doth, ſhall have reward of the General, or of the Deputy-Warden, or of them both, as the Worthineſs of ſuch good Service deſerveth.

ALSO, for all Goods reſcued, and no Thief taken, the Owners and Reſcuers to agree among themſelves for the Reſcue thereof: And if they cannot agree, that then the Officers, Bayliſs and Conſtables of the Towns, from whence the ſaid Goods ſhall happen to be taken, to ſet an Order and Agreement between the Owners and Reſcuers. And if the Officers, Baylifs, and Conſtables, cannot agree them; that then the ſaid Owners and Reſcuers to make their repair to the Juſtices of Peace at the next Seſſions, there to be ordered. Alway provided, that the Owners ſhall have their Goods again in their Poſſeſſion.

ALSO, if any Perſon or Perſons, at the coming in, or forth-going, ſuffer any Offender

der to eſcape, if they may in any wiſe take them; he or they that ſo doth, to be brough by the Officers, Baylifs, Conſtables, and Searchers of that Watch to the King's Goal within that County, where the ſame ſhall be done; there to be puniſhed according to the Laws of this Realm, which is Felony.

ALSO, if any Perſon or Perſons come within any of the Watches, in the time of their watching; if they be true Men known, and that proved, the ſaid Watchers ſhall ſuffer them to depart; and if they be unknown, the ſaid Watchers ſhall bring them to the Baylifs and Conſtables to be tryed: And if the ſaid Perſon or Perſons ſo brought afore the ſaid Baylifs and Conſtables, cannot try or prove them to be true Men, labouring in their true and lawful Buſineſs, that then the ſaid Baylifs and Conſtables bring the ſaid ſuſpect Perſons to the King's Highneſs Goal; there to remain unto ſuch time as he or they be lawfully tryed by due Examinations of the General, the Deputy-Warden, or by the Juſtices of Peace of that County.

ALSO, the Night-Watch to be ſet at the Day-going, and to continue unto the Day be light; and the Day-Watch, where the ſame is, to begin at the Day-light, and to continue unto the Day be gone. And, if any Perſon or Perſons diſobey any of the ſaid Watchers, Baylifs, Conſtables, Setters, Searchers, or Overſeers, in, or for the Execution of the ſaid Watch, in any manner of wiſe; he or they ſo diſobeying, to be brought to the King's Highneſs Goal, there to be puniſhed at the Diſcretion of the General, or of the Deputy-Warden for the time being, where ſuch Offence ſhall be done.

The Day-Watch appointed for the East-Marches.

THE Day-Watch from *Mydleton-Cragg* to the *Torre.*

SOUTH *Mydleton* to watch *Mydleton-Cragg* with one Man on the day.

NORTH *Mydleton* to watch *Brandhill*, with one Man on the day.

Mydleton-hall, and *Yardall* to watch *Harſheugh*, with one Man on the day.

Wooller to watch *Troden-carne*, with one Man on the day.

Homelton to watch *Akeldeanhead*, with one Man on the day.

Akeld to watch to *Tomtalens-grave*, with one Man on the day.

Copland, and *Kirk-Newtone*, to watch the green *Torr* with one Man on the Day.

From the Torr *to* Paſton-Pytmiers.

Hetheughe to be watched by *Heth-pool* with one Man on the Day.

WEST *Newton* and *Langton* to watch the *Staw* with one Man on the Day.

Kellam to watch *Byreſden* with one Man on the day.

Howtell to watch *Blacklaw* with one Man on the Day.

From Paſton-Pytmiers *to* Charram.

Paſton to watch *Paſton-hill* with one Man on the Day.

Mindram to watch *Turnchester* with one Man on the Day.

Downam, *Monlawes* and *Preſſen* to watch *Tyverſheugh* with one Man on the Day.

Lyrmouthe to watch *Preſtenhill* with one Man on the Day.

Warke to watch *Hakſyde* with one Man on the Day.

Charram to watch *Chidlaw* with one Man on the Day.

COPY

Of ſeveral Commiſſions addreſſed from my Lord Wharton, *in the Months of* October, November, *and* December, Anno Regis Edwardi VI. ſexto, *to certain Gentlemen for the damming and ſtopping ſundry Fords and Paſſages upon the Waters of South* Tyne, *North* Tyne, Reyd, *and other Waters and Paſſages by Land in* Northumberland; *as hereafter appeareth.*

THomas *Wharton* Knight, Lord *Wharton*, Lord Deputy Lieutenant of the Counties of *Northumberland* and *Cumberland*, the Town of *Newcaſtle* upon *Tyne*, and the Liberties of *Berwick*, and Lord Deputy Warden General of all the Marches of *England* foreanent *Scotland*, hath Authorized and appointed *C. H. S. L T. P. T. S. C. C. R. W. A. T.* &c. 8, 7, 6, or 5 of them to view and ſee all the Fords and Paſſages by Water and Land, from unto and leaving ſuch convenient Fords and Paſſages by Water and Land as are moſt needful and neceſſary for the

the Kings Majeſties Subjects to ſtop, undo and dam all the reſt as their Diſcretions ſhall ſeem convenient for the better Service of his Highneſs and the Common-wealth and Strength of the Country from Spoil and Theft. Be that by caſting of Ditches, ſetting of Stakes, or other Work or Device as they ſhall appoint to be done for that purpoſe. Willing and Commanding all Gentlemen, Bailiffs, Conſtables, and all others the King's Majeſty's Subjects, Inhabitants of the Townſhips and Country adjoyning, to Obey, Aid, and Aſſiſt, and do in every thing for the execution hereof by hand labour, and otherwiſe as the ſaid *S. H.* 8, 7, 6, or 5 of them ſhall command to be done; not failing hereof, as ye will anſwer the King's Majeſty at your Perils. Given at *Hexam*, the 8*th* day of *October* 1552.

COPY

Of LETTERS *from my Lord* Wharton, *for incloſings and hedgings within the Limits and Bounds of* Northumberland, *with the ſeveral Circuits, and the Names of the Gentlemen put in truſt for the execution of the ſame, as followeth.*

AFTER my hearty Commendation unto you, calling to remembrance what inconvenience and Spoil hath annoyed ſundry parts of theſe the King's Majeſty's Frontiers, within the Eſt, Myddle, and Weſt Marches, to the Impoveriſhment of his Majeſty's good People, which to avoid is the Office and

Duty of every good Subject as Device or Travel by any means may be embraced. And forasmuch as one great Occasion seemeth to have grown for want of good order in not strengthening the Country with their Labours, as might have been done. Therefore mynding the help as may be possible, and considering the same specially lyeth in Strengthening the Country with Inclosures, Hedges, and Ditches, whereby may ensue much Wealth and Commodity, and by strayting the Passages, the Watches hereafter more easy to kept to the great Strength, Profit, and Comfort of the People, as I am sure your Wisdoms and Duties can better consider than I can write. Wherefore I shall heartily desire you, and by these Authorize and Command you in the King's Highness Name, that immediately upon sight hereof, ye take perfect view of all the Grounds Arable, Meadow, Pasture, and Commons, and all the same advisedly weighing and considering, to cause all such Portions thereof as be convenient for Tillage, Meadows or Graffings to be enclosed with Ditches, five Quarters in Breadth, and six Quarters in Depth, and to be double set with Quickwood, and hedged above Three Quarters high; giving undelayed order and strait Charge to the several Lordships, Townships, Hamlets, and others the Inhabitants, Farmers, or Occupiers, for the doing and working thereof as your Discretion shall exteme, may be finished with the most possible speed from time to time, and year to year. Making Rate by valuation of the Rents, the quantities of the Grounds and Tenements, or other ready mean; what number of Roods of the said Ditches shall be yearly made in the form,

form, in every place, and by every Perſon within your Circuit, for ſeeing the expedition of this good purpoſe without protract of time for any reſpect; and for the yearly portion to be forthwith ſet in work for this preſent Year. And certify me by your Letters within one Month after the Date hereof, of your Determinations, Order, and Proceedings, in this behalf: Willing and Commanding by this, in the King's Majeſty's Name, all Inheritors, Officers, Occupiers, and Inhabitants within your Circuit, to Obey, Aid, and Aſſiſt you in the execution of the Premiſes. Which if any of them ſhall refuſe to do, that you make immediate Advertiſement to me: And if any Queſtion happen to ariſe between one Inheritor and another for any Ground within your Circuit, that you do order the ſame: And if any be obſtinate to refuſe this good Deed, and your order, Certify me their Names, the Cauſe, and your Opinion, that I may with the Advice of Learned Counſel, and their conſent, determine their Titles, minding the Common wealth, and the hurt of no Man's Inheritance. By the good execution hereof ye ſhall do unto the King's Majeſty good and acceptable Service, and unto your Country a moſt great Common wealth; which I will not fail to advance to your and theirs Commendation and Preferment accordingly. Not failing the good Accompliſhment hereof, as ye tender the Advancement of his Highneſs's Service, the Preſervation and Commonwealth of your Country, and will anſwer at your Perils, And heartily fare you well. At the Caſtle of *Alnwick*, the laſt of *January*, 1552.

Commiſſioners for Encloſures upon the Middle-Marches.

Between the Waters of *Cokett* and *Ayll*, from *Lierchel-burne* to the Sea.

Robert Liſle of *Felton.*
Thomas Swinburne of *Edlingham.*
John Bednell of *Lematone.*
George Fenwyke of *Brenk-burn.*
George Melcalfe of *Alnewycke.*
Harry Heron of *Alnewycke.*

From *Lierchel-burne* to the March of *Scotland*, between *Bruniſhe* and *Symondſyde.*

Sir *George Ratclyff*, Knight.
Cuthbart Muſgrave of *Harbottell.*
Robert Collingwood of *Eſlington.*
Robert Clavering of *Callehoe.*
Thomas Horſley of *Skyrnwod.*
Perſevall Selbye of *Bytilsden.*
Edward Gallen of *Trewhytt.*
Perſevall Clenell of *Clenell.*

From the Sea to the Streyte between *Cokett* and *Wandes-beck.*

The Lord *Ogle.*
Sir *John Wetherington*, Knight.
Robert Horſley of *Aclyntone.*
John Heron of *Bukkinſeld.*
Martyn Turpen.
John Fenwyke of *Chilburne.*

From the Strete Weſt unto *Ryddiſdaill*, between the Waters of *Cokett*, and *Wandysbecke.*

Rauf Fenwyke of *Staynton.* *Roger*

Roger Thornton of *Witton.*
Cuthbart Horſley of *Horſley.*
Anthony Fenwyke of *Laneſhanes.*
Myghell Fenwyke of *Harterton-hall.*
George Doſoubye of *Pygden.*
Anthony Fenwyke of the *Fawnes.*

From the Sea to the Strete between *Wandsbecke* and *Tyne.*

Sir *Thomas Hilton*, Knight.
Sir *John Dallavel*, Knight.
John Metfurthe of *Sig-hill.*
Richard Lyſle of *Bedlington.*
Gregory Ogle of *Chappington.*
John Killingworth of *Benton.*
George Ogle of *Hyrſt.*
Barthram Anderſon of *Burroden.*

From the Strete Weſt to *Shaftoo-cragge*, between *Wandsbecke*, and *Ponte* at *Stanerden.*

Robert Raines of *Shortſlattes.*
Thomas Medleton of *Belſoo.*
John Ogle of *Ogle-Caſtle.*
Alexander Heron of *Meldon.*
Anthony Medfurth of *Pont-Eland.*
John Horſley of *Mylborn-grange.*
Cuthbart Metfurth of *Metfurth.*

From *Shaftoo-cragge* to *Stanerden*, between the Waters of *Pount* and *Wandsbecke*, to the Bounds of *Ryddisdaill.*

Lord *Eures*, Deputy-Warden.
George Heron of *Chepches.*
Roger Fenwyke of *Bytchfeld.*
John Shaftoo of *Banygton.*

Randoll Fenwyke of *Kyrkharle.*
William Muſgrave of *Kyrkheton.*
George Heron of *Ryplingten.*
Harry Wetheringtone.

From *Newcaſtle* to *Bewly-edge*, between *Tyne* and *Pounte.*

John Dallovel, Son and Heir to Sir *John.*
William Carnebye of *Haltone.*
John Muſgrave of *Newborne.*
Richard Rotherſurthe of *Rotherſurthe.*
Cuthbart Carnebye.
Thomas Reyd, Baylif of *Evingham.*
Richard Hodſon of *Newcaſtle.*

For the Lordſhips of *Prodo* and *Bywell.*

Thomas Carey, Conſtable of *Prodo.*
John Swinburn of *Chopwell.*
Anthony Ratcliff.
Thomas Elrington of *Eſperſheles.*
John Hurd.
Edward Newton of *Stokesfield.*

For the Bounds of *Hexham*-ſhere, with the Two *Allendailles.*

Nicholas Erington of *Wharneleye.*
Robert Thirlway of *Newbigging.*
Davy Carnebye.
Thomas Erington of *Bingfeld.*
William Coniers, Baylif of *Hexham.*
Matthew Bee.
Hugh Shelle.
John Shelle.
Henry Ogle.

From

From *Hexham*-ſhere to the Water of *Yrden*, on both the ſides of South-*Tyne*, as the *Middle-Marches* goeth.

Nycholas Rydlye of *Willymondswyk.*
Albany Fetherſtonhalſs.
Nycholas Erington, Conſtable of *Langlo.*
Henry Walles.
Nycholas Blenkenſop.
Rauf Whytſell.
Heughe Crawhaughe.
Lancelot Thirlwaye.
Richard Carnebye.
Baylifs of *Hautweſell* and *Newborne.*

For the Bounds of North *Tyndaill*, to *Ryddisdaill*, as the Marches goeth.

George Heron Keeper of *Tyndaill.*
Anthony Erington, of *Wallykgrainge.*
James Uſher, Bayliff of *Hunſhaugh.*
John Heron of *Hawbarnes.*
William Charlton of *Heſleſyde.*
John Charlton of *Blayklawe.*
John Robſon of *Pauſtame.*
Harry Charlton of *Hawhill.*
Edward Mylborne of *Sedwodd.*
Thomas Charlton, Lard of *Hawk.*
Arthur Dodd.

For the Bounds of *Ryddisdaill*, between *Tyndaill* and *Cokett*, and from the *Sling-croſs* to the March of *Scotland.*

Cuthbart Muſgrave, Keeper of *Ryddisdaill.*
John Hall of *Otterburne.*
John Rede Laird of *Troughen.*
Thomas Hall of *Monkrigge.*

Thomas Anderſon of *Danyſhell.*
Hob Hall of *Wyskerſhele.*
Clement Reyde of *Aldertone.*
Aleyn Heydleye.
Richard Foſter.
Robert Foſter.

Commiſſioners for the Incloſures of the Eaſt-Marches.

For *Eland*-ſhere.

Richard Bowes, Captain of *Norham.*
Robert Lawſon of *Skyrmerſton.*
Gilbert Swinow of *Goſwike.*
Richard Carr of *Elleke.*
Edward Revely, Baylif of *Ancroft.*
George Moretone of *Moretone.*

For *Norham*-ſhere.

Richard Bowes, Captain of *Norham.*
George Ord of *Newbigging.*
John Ord, his Son.
John Selbye of *Twyſell.*
William Selbye of *Grindon.*
Robert Clavering of *Duddo.*

From *Twede* to the *Glen*, between *Tyll* and *Chyviott*, as the Marches divideth.

Thomas Carr, Captain of *Warke.*
Rauff Gray of *Hettone.*
William Swinow of *Cornell.*
William Strother of *Newton.*
Oliver Selbye, Baylif of *Myndram.*
Gilbert Walles, Baylif of *Akeld.*

From

From *Glen* to *Bruniſh*, between *Tyll* and *Chyvyott*.

Sir *Thomas Gray*, Knight.
Thomas Eldertone.
John Rodam, the Elder.
Thomas Reveley, Baylif of *Chatton.*
Francis Reveley of *Hamilton.*
John Rotherfurthe of *Myddleton-hall.*

From *Warnebrigg* to the Water of *Aill*, as *Bambrough*-ſhere goeth.

Sir *John Horſley*, Knight.
Sir *John Foſter*, Knight.
Francis Armorer of *Belforth.*
Rowland Bradforth of *Tuggill.*
George Carr of *Lesburye.*
Edward Bradforth of *Emylton.*

From the Water of *Aill* to *Hetton-burne*, on the Eaſt-ſide of *Tyll*, unto *Bambrough*-ſhere.

Rauf Gray, Deputy-Warden.
Sir *Robert Ellerker*, Knight.
Tho. Hebburne of *Hebburne.*
Rob. Collingwood of *Bewyke.*
Thomas Carliſle of *Heſlerigg.*
Luke Ogle of *Eglingham.*

This before well executed; then the Lord Wharton *his further opinion is, for the Order of the* East, Middle, *and* West Marches, *to be alſo put in execution, as followeth: Which will, as he thinketh, be a great Honour and Commodity to the King's Majeſty, and to his Highneſs Succeſſors, and a moſt great Commonwealth for all the Three Marches, and for the North Part of his Majeſties Realm, in Peace, and eſpecially when Wars ſhall be.*

FIRST, Conſidering the great Number of Thieves, upon ſundry of whom convenient it is to miniſter the Law; and alſo the greater Number of idle People that are upon the Marches; Neceſſary it is to have a continual Charge over them, unto ſuch time as Reformation may be made, to bring thoſe People from their wonted Diſorder, which with Miniſtration of Officers muſt be done in thoſe Countries: And thoſe Officers abiding upon their Offices, muſt deal ſo uprightly, and muſt be a Maſter over that his Charge, ſuch one as neither for Corruption, Favour, Diſpleaſure, nor Affection, or Pact for Offenders, others than by the due Courſe of the King's Majeſties Laws, and his Highneſs moſt gracious Pardons. Both which are to be ordered with a moſt great foreſight, as occaſion ſhall ſerve.

IT may not be forgotten, how that the Three Marches are Countries againſt another Realm, where Men muſt needs be, and continue

tinue their ſeat for Service, to annoy and defend, as Times ſhall ſerve, and always like Marchers to be ready: That Matter of great Conſideration is to be weighed with the Officers; and, as I think, may be ſo ordered, that more active and worthy Men ſhall be on the Marches than are now: And this, for example, upon tryal of the Grounds where Inhabitation may be, to inhabit the ſame; and neither now that is inhabited, nor upon that to be inhabited, to ſuffer any ſuch as ſhall have Ground to find Horſe, and convenient for the Man to dwell upon: And at all times to have their Horſe and Gere kept; and at certain times to be muſtered and ſeen accordingly. And the other, not ſerviceable with keeping of the Watch, and miniſtration of Juſtice, ſhall be compelled to labour there; make the Grounds more fertile and profitable, and to labour abroad for their Livings; and therewith the Grounds, now open and barren, to be ploughed, hedged and ditched as before is ordered, to make Tillage, Paſture and Meadows more plentiful, and better than they be. And by theſe Orders and Doings, where you have two thouſand Men, and not three hundred good Horſemen, you ſhall in continuance have ſix or ſeven hundred Horſemen; which ſhall not only be a great ſtrength to that extreme and outward part of the Realm, but alſo the King's Highneſs ſhall have a better Service, with a more ſurety done than heretofore hath been.

IT is to be remembred, that thoſe Men of Service muſt rather be preferred to Farms for their help, than others. I mean thereby thoſe Countrymen in no time of Service to be entred into the King's Wages. Rewards for Good Service nevertheleſs is not to be forgotten.

I do

I do remember the three *Marches*. FIRST, The *Weſt* is naturally ſo ſtrong and commodious of itſelf, having many good Houſes in the ſame, that with the Land Layt, called the *Debateable Land*; and now the *King's Majeſties Inheritance*, well planted with Men and Fortreſs, and to receive Horſemen convenient; theſe *Marches* keeping the Subjects of the ſame in due Obedience, ſhall in War be an over great Party for all the *Weſt Marches* of *Scotland*, and annoy in the *Middle Marches*, and without the Bounds of both the ſame, if their Order and Chance be good.

EXPERIENCE moveth me thus to ſay; All Worthy Men to have Offices and Farms convenient; and no Wages by the King to thoſe People, except to the Officers, Captains of Fortreſſes on thoſe *Marches*, and Garriſons in the ſame.

REWARDS for Good Services ever muſt be conſidered to thoſe that deſerves.

THE Houſe and chief Lordſhips where moſt Good Men have been, were convenient to be the King's, and ruled with his Highneſs Officers, and Miniſters, and the Farms of his Highneſs Lands, and of others the Inheritors upon all the three *Marches* to be preferred to the beſt Men for Service, no doubt in Peace thoſe *Weſt-Marches* well ordered ſhall live in great Wealth.

THE *Eaſt-Marches* having *Berwick*, *Norham* and *Wark*, the Kinges, well fortifyed, and when Wars ſhall be able to receive Horſemen, and have the ſame, may do notable Service.

THE Officers and Owners of Houſes on all the Three *Marches* to dwell in their Houſes, as is ordered before in the Articles made at *New-*

Newcaſtle, and *Ytall* or *Ford* to be repaired the one of theſe two. The Deputy Warden on the *Eaſt-Marches* to lye in *Ytall* the Kings: And *Ford* the Daughter and Heir of *Heron*, whom *Thomas Carr* hath married.

A convenient Garriſon at *Warke*, with Men in that Baronage, muſt be well kept and furniſhed with Horſemen; or elſe a Houſe to be made between *Warke* and *Chyviot*, at ſome meet Place, and Horſemen there. The Fortreſſes and Houſes kept, and the Inhabitors about the ſame; and, on thoſe *Eaſt-Marches*, well ordered in their Farms and Livings convenient, ſhall make that *March* which is called the weakeſt, to be ſtrong; and the ſtrength of Horſemen, with wiſe Governors, defends the Countrey, annoys the Enemy, and thereby leſs charges to the King.

LIKEAS it is conſidered with Wiſe Men, that *Norham* and the Lands thereabouts, which was the Biſhops, to be the Kings. And *Harbottle*, with the Lands there, which was the Lord *Taylbuſhe* his Inheritance, to be the Kings; and *Bewcaſtle*, which was *Medletounes*, now alſo the Kings: The ſame Reaſon ſerveth for other Houſes and Lordſhips where manured of men are in the outward parts of the *Marches*, to be alſo the Kings; which ſeuerly I think is the moſt neceſſary for his Majeſties Service.

THE *Middle-Marches* is a ſtrong Country, although not with Fortreſſes, nor with great number of Good Men, yet the nature of the Ground is ſuch, that from the Eaſt ſide of the *Chyviot*, towards the *Eaſt-Marches* unto *Cryſſope*, there can no Army with Ordnance enter, nor with great Power of Men; except to their great hazard, if the Officers with Intelligence, wiſe

wiſe foreſight, obedience to the Subject, and with good order, do their Duties (for this Reaſon) they ſhall from any Inhabitation in *Scotland*, or they come to the inhabited Ground in *England*, between the ſaid Eaſt ſide of *Chevito* and *Creſſope*, travel 16 Miles, 14 Miles, 12 Miles, or thereabouts, in a moſt dangerous Paſſage for their return; which is a moſt great advantage for the Subjects of this ſide. So that I ſay, in Peace and Warr, the Subjects well ordered, and have Horſe and Gere, and be active Men, that *March* is a moſt ſtrong *March* for their own defence. Good Watch, and good Intelligence, with good Rulers, and being Men in that Country, will defend the ſame.

Harbottell is a moſt convenient Houſe for the Deputy Warden of the *Middle-Marches*, a great part of the Year to lie in; and eſpecially in Winter; which Houſe is to be repaired meet for his Lodging.

IF there be a Generall, as convenient it is for many reſpects, and to direct and order all the others Officers for their adminiſtration to *Scotland* in Peace; and to foreſee that none Officer nor Marcher within all the Three *Marches* do omit their Duties in ſervice of the King. And to know the good Service; that the ſame may be cheriſhed, and the others corrected. And if Diſobedience ſhall be uſed in any Countrey, the others at the Commandment of the Generall, or with himſelf to be governed and ruled as appertaineth. And by his Power and Knowledge ſuffer none Officer nor Marcher to wink nor be idle from good Service when time is. And the Generall to lye at *Hexham*, eſpecially being an indifferent place for all the *Marches*, and neareſt to the Evil Countries of *Tyndaill*, *Ryddiſdaill*, *Bewcaſtledaill*,

caſtledaill, and *Gyllyſland*; which are Countries principally to be looked upon for the Kings Majeſties Service, Honour, the Surety and common wealth of his Highneſs Frontiers. And as it is neceſſary for the Generall to have Houſes and Things convenient for Maintenance of his Houſe, ſo it is neceſſary that the Deputy and Wardens, Captains of Fortreſſes, and Rulers of Countries, have that is convenient for their Houſes keeping. Conſideration is eaſy to be had upon theſe, and the Kings Highneſs at ſmall Charges thereby.

WHEN Warrs ſhall be, proviſions is then to be made as the importancy of the ſame ſhall occaſion. Nevertheleſs all the Officers and Marchers, with theſe foreſaid Foreſights and Executions, ſhall then be more able, and of more ſtrength than heretofore they have been, to the leſs charge of his Highneſs and his Majeſties Succeſſors, and to annoy the Enemy with a more ſurety for their Country, than before, as is remembred, hath been.

THE Princes, their Councills and Authorities of both the Realms, muſt compell their Officers and Miniſters to make Redreſs in Peace, as they are bound by the Treaty, without colour or delay, which is their own Honour and common wealth of their People.

MY poor conceit is, that your Grace, my Lord of *Northumberlands* prudent Wiſdom, conſidering the effects of theſe, ſhall do a Noble Good Deed for the Kings Majeſty, to the ſtrength and common wealth of all his Highneſs Marches; and ſhall do to his Highneſs principall Officers a great Honour, now in the Times hereafter, and of them, and all others, ſhall

ſhall have a juſt Tryall in his Majeſties Service, and to the continuall comfort of all Good Subjects in thoſe Parts.

NUM. IV.

Five Original Charters of Edgar *King of* Scots, *referred to in the* Scottiſh Hiſtorical Library. *To which is added a Sixth Pretended one of the ſame King; wherein there are ſuch Notorious Marks of Forgery, that the Author of the ſaid* Hiſtorical Library *thought it not worthy to be mention'd with the other Five; though all Six are to be ſeen in the Treaſury of the Dean and Chapter of* Durham.

I. EAdgarus Rex *Scottorum*, omnib. ſuis hominib. *Scottis* & *Anglis*, ſal. Sciatis quod ego do in elemoſinam Deo omnipotenti & Scto *Cuthberto* Domino meo, & Eccleſiæ *Dunelmſi*, & Monachis in eadem Eccleſia Deo ſervientib. & in perpetuum ſervituris p. aiab. patris mei & matris meæ, & p. ſalute corporis mei & animæ meæ, & frum. meor. & ſoror. & p. omnib. anteceſſorib. & ſucceſſorib. meis, manſionem de *Coldingaham*, & cum iſta manſione has ſubſcriptas manſiones, ſcilt. *Aldcambus*, *Lumeſdene*, *Regnintum*, *Riſtum*, *Swinewde*, *Farnæun*, *Eitun*, alium *Eitun*, *Prenegeſt*, *Cramuſmuthe*. Has ſuperſcriptas manſiones concedo Deo & Scto. prædicto & Monachis ejus, cum omnib. terris, ſylvis, & aquis & teloneis, & fracturis navium, & omnib. conſuetudinib. quæ pertinent ad prædictas manſiones, & quas pater meus in eis habuit quietas & ſolidas ſecundum

cundum voluntatem illor. in perpetuum libere diſponendas.

II. *Eadgarus* Dei gra. Rex *Scottor.* oib. per Regnum ſuum *Scottis* & *Anglis*, ſalt. Sciatis me dediſſe Deo omnipotenti & ejus Scto Confeſſori *Cuthberto*, & Monachis ejus, p. aiab. patris & matris meæ, & p. ſalute aiæ & frum. meor. & ſoror. mear. *Coldingaham* & omnes illas terras quas habent in *Lodoneo*, ita liberas & quietas cum omnib. conſuetudinib. ſicut eas ego ipſe habui in mea propria manu, & volo & præcipio omnib. meis hominib. ut nullus illor eis amodo aliquam moleſtiam vel injuriam inde faciat, vel hanc meam donationem infringat; ſed in pace, quiete, & honorifice in perpetuum habeant eas & teneant.

III. *Eadgarus* Dei gra. Rex *Scottor.* oib. ſuis fidelib. per Regnum ſuum *Scottis* & *Anglis* ſalutem, Sciatis qd. ego dono in Elemoſinam Deo & Scto *Cuthberto* & Monachis ejus, *Fiſcwick* tam in terris qm. aquis, & cum oib. ſibi adjactib. & nominatim illam terram quæ jacet inter *Horverdene* & *Cnapadene*, p. aia. patris & matris meæ, & p. ſalute aiæ. meæ, & frum. meor. & ſoror. liberam, & quietam tenend. & habend. & ad voluntatem Monachor. Scti *Cuthberti*, domini mei, diſponendam.

IV. *Eadgarus* Rex *Scottor.* omnib. per regnum ſuum *Scottis* & *Anglis*, ſalut' Sciatis me ad Dedicationem veniſſe Eccleſiæ S. *Mariæ* apd. *Coldingaham* quæ quidem Dedicatio ad Dei laudem, & ad meum placitum grata, oib. & accepta honorabiliter eſt adimpleta. Et ego eid. Eccleſiæ ſuper Altare obtuli in dotem, & donavi villam totam *Swintun* cum diviſis, ſicut

Liulfus

Liulfus habuit, liberam & quietam in perpetuum habendam ab omni calumpnia, & ad voluntatem Monachorum S. *Cuthberti* diſponendam, p. aiab. patris, & matris meæ, & p. ſalute aiæ meæ,—& frum & ſoror. mear. Donavi etiam Monachis xxiiii animalia ad reſtaurandam illam eandem terram, & conſtitui eandem pacem in *Coldingaham* eundo & redeundo, & ibid. manendo quæ ſervatum in *Ealande* & in *Northam*. Inſuper etiam ſtatui hominib. in *Coldingham* ſcire ſicut ipſe elegerunt, & in manu mea firmaverunt, ut unoquoque anno de unaquaque carruca dimidiam marcam argenti Monachis perſolvant. Teſt *Ælfw. Oter.* & *Thor. Long* & *Ælfric.* pincerna, & *Algaro* Presbytero, & Osberno Presbytero, & *Cnut. Carl's.* & *Ogga*, & *Leſing.* & *Swein*, *Ulfkill's* & *Ligulf* de *Belbanburch*, & *Uhtred Filaveſſune*, & *Wiæte*, *Hwite* & *Tigerne*.

V. *Eadgarus* Rex *Scottor.* omnib. in regno ſuo *Scottis* & *Anglis* ſalut. Sciatis qd. ego dono & concedo Domino meo S. *Cuthberto*, & Monachis ejus, *Paxtum*, ita ſicut ego eam habui cum hominib. terris & aquis. Et Monachi eam poſſideant ita libere & quiete ſicut *Coldingham* ad voluntatem ſuam.

VI. *The Forg'd* CHARTER.

EDgarus Dei gratia Rex *Scotorum*, Omnib9 ad quos præſentes Lræ. pervenerint, tam *Francis* & *Anglis* qm. *Scotis*, ſalutem ; Sciatis Nos ex licentia *Willi'* Regis *Angliæ* Superioris Dni Regni *Scotiæ*. pro aiab9 *Malcolmi* Pris nri. & *Margaretæ* Mris. nræ. & p. animabus *Edwardi*

wardi & *Duncani* fratrum nror7. nec non p. ſalute nra. dediſſe & conceſſiſſe Deo & Sćto *Cuthberto* Confeſſori, *Willmo.* Epo. *Drugeto* Priori, & Monachis *Dunelmiæ* Deo ſervientibus, in ppetuum Baroniam Manerium de *Coldingham* cu' hiis manſionib9 ſubſcriptis, ſcil. *Berwic*, *Oldcambows*, *Lumeſden*, *Reſton*, *Faudon*, *Ayton*, alia' *Ayton*, *Pndregeſt*, *Crameſmouth*, *Graiden*, *Lembale*, *Dilchęſtre*, *Ederham*, *Chirnſide*, *Hilton*, *Blaketir*, *Hoton*, *Rayton*, *Paxton*, *Fulden*, *Morthington*, *Lambirton*, alia' *Lambirton*, *Edington*, *Horford*, *Fiſhwic* & *Upſerlington*, cu' omnib9 pertinent. juribus, & Decimis garbarum & feni, cu' omnib9 libertatibus & francheſiis regalibus, adeo libere & plenarie ſicut pdictus pater noſter & dns. illa tenuit. Habenda & tenenda oia. & ſingula pdćta Baroniam & Manerium, Manſiones, Decimas, cum omnib9 libertatibus francheſiis regalib9 & juribus quibuſcunq; prædictis Epo. Priori, & Monachis, ac eorum Succeſſoribus, de nobis & heredibus noſtris in puram & perpetuam Elemoſiam impętuu'. Et nos & hedes. nri. oia. & ſingula pdćta Baroniam, Manerium, Manſiones, Decimas cu' omnib9 libertatib9 Franchęſiis regalibus & jurib9 quibuſcunq; ut pdcm. eſt præfatis Epo. Priori & Monachis, & eorum Succeſſoribus contra omnes gentes ptegamus imperpetuu' & defendemus. In cujus rei teſtimonium præſentib9 Lris. nrs. ſigillum nrum. apponi fecim9 apud *Norham* in præſentia pdćti. Regis *Willi' Angl.* ſuperioris Dni. Regni *Scot.* & pdcor7. Epi. & Prioris, *Walteri Valenis*, *Odnelli Umfraville*, *Rathonis* de *Loreyne*, *Odnelli Heron*, *Robti.* de *Amudivilla*, & maxime multitudinis *Francoru'*, *Angloru'*, & *Scotoru'*.

NUM.

NUM. V.

The OATHES of the Governour and other Officers in the Town of Barwick *upon* Tweed, *in the Reign of Queeen* Elizabeth; *as they were publiſh'd in the* Book of Oathes, *printed at* London, A. D. 1649. *from* p. 42. *to* p. 57.

I. *The OATH of the Governour of* Barwick.

YOU ſhall ſweare, To be faithful and true to our Soveraign Lady *Elizabeth*, by the Grace of God, Queen of *England*, *France* and *Ireland*, Defender of the Faith, &c. and to keepe and defend, to the uſe of her *Majeſty*, her *Heirs* and *Succeſſors*, this Towne of *Barwick*, and the Marcheſſe of the ſame, to the uttermoſt of your Power, and according to your Office; You ſhall not be abſent at any time from your Office, without her *Majeſties* Special Licenſe, containing in the ſame the Names of ſuch to whom your Charge ſhall be committed in your abſence, except it be upon reaſonable Cauſes, to go into the Wardencie of the *Eaſt-Marches*, for the ſervice thereof, or to ſome other part of *Northumberland*, upon any your needful Cauſes; at which time nevertheleſs you ſhall depute the Marſhall, or in his abſence, the next Principall Officer, to take your Charge of this Towne: You ſhall cauſe all the Officers of this Towne to do their Duties, or elſe ſee them puniſhed without Favour

vour or Delay; you ſhall uſe the Advice of all thoſe which be Councellors of this Towne, for any Matter concerning the Government thereof, except the Matter ſhall touch any of themſelves, in which the ſame Parties ſhall be excluded for the time: You ſhall ſee that this Towne, and the Garriſon, be provided of a convenient Force of Victual of all ſorts, from time to time; and the Mayor and his Brethren ſhall do their Duties for the common weale of the ſame Towne, according to their Juriſdiction. You ſhall adminiſter Juſtice truly and indifferently to all manner of perſons having any Cauſe depending before you: You ſhall not admitt, nor ſuffer to be admitted, any manner of perſon to be of this Garriſon, that ſhall be born out of the Realme of *England* or *Ireland*, nor above the number of Fortie that ſhall be borne within the Realme of *Ireland*: You ſhall at ſundry times viſite the Gates and Poſternes of this Towne, the Locks and Shuttings thereof, the Towne Walls, Bulworkes, Ditches, Ordinance, Artillery and Munition, and the Houſes of the Stoage of the ſame, and cauſe to be redreſſed to the beſt of your Power any thing therein amiſs: Finally, You ſhall quarterly peruſe the Statutes and Ordinances heretofore made, and now remaining in force for the Government of this Towne, and them cauſe to be duly kept and obſerved.

II. *The* OATH *of the Marſhall of* Barwick.

YOU ſhall ſwear, That you ſhall be faithfull and true to our Soveraigne Ladie

Ladie Queene *Elizabeth*, by the Grace of God, Queene of *England*, *France* and *Ireland*, Defender of the Faith, &c. You ſhall be obedient to the Governour of this Towne, for the good Governance and Defence of the ſame, and ſhall give Good Counſel and Aſſiſtance unto him, and all other Officers of the Towne, to the uttermoſt of your Power: You ſhall ſet the Watch of the Towne, and viſit it from time to time, as to your Office belongeth; You ſhall not impriſon, or preſent any perſon without reaſonable Cauſe, and thereof you ſhall certifie the Governour of their Names, and their Cauſes: You ſhall ſuffer no perſon borne out of the Queenes Majeſties Allegiance, without the Governour's Special Licenſe, (and that not without good cauſe) to lodge in this Towne above two Nights, or to continue above twenty four hours at any one time; nor ſhall ſuffer any Stranger to be lodged, but in convenient place, to keepe the ſame perſon from the knowledge of the Secrets of this Towne. Finally, You ſhall keepe, and cauſe to be kept, all manner of Statutes, Laws and Ordinances, heretofore made, and now remaining in force, for the good Governance of this Towne, to the uttermoſt of your Power.

III. *The* OATH *of the Treaſurer of* Barwick.

YOU ſhall ſweare, That you ſhall be faithfull and true to our Soveraigne Ladie *Elizabeth*, by the Grace of God, Queene of *England*,

England, *France* and *Ireland*, Defender of the Faith, &c. You ſhall be obedient to the Governour of this Towne for the good Governance and Defence of the ſame, and ſhall give Counſell and Aſſiſtance to him, and all other Officers of the Towne, to the utmoſt of your Power; and ſhall make no Payment to Officer or Soldiers untill Muſter be had, viewed and taken by the Governour and Marſhall of the Towne, and the Compt-Roller, and of the Checque hereof. Finally, ye ſhall obſerve and keep, and cauſe to be obſerved and kept, all manner of Statutes, Laws and Ordinances heretofore made, and now remaining in force, for the Government of this Towne.

IV. *The* OATH *of the Porter of* Barwick.

YOU ſhall ſwear, That you ſhall be faithfull and true to our Soveraign Lady *Elizabeth*, by the Grace of God, Queene of *England*, *France* and *Ireland*, Defender of the Faith, &c. You ſhall be obedient and attendant to the Governour for the time being, in all things appertaining to the good Governance and Defence of the ſame Towne, and to him, and to the Queenes Councell and Officers of the ſame Towne; You ſhall give faithfull and diligent Counſell, and them ayd and aſſiſt to the uttermoſt of your Power: You ſhall ſafely, ſurely and diligently keep the Keyes of the Gates of this Towne of *Barwick*, while they ſhall be in your Hands, and ſhall ſee the ſame

Gates guarded and ſhut up at the times accuſtomed, and as the Governour of this Towne ſhall command, for the ſurety of this Towne; and at all times, as ſoon as the Gates ſhall be ſhut, you ſhall bring the ſaid Keyes to the Governor of the Town, and in his abſence, to his Deputy: You ſhall whenſoever any Tidings or Intelligences ſhall come to you, by Land, or by Water, that is meete to be knowne by the Governour of the Towne, or to the Councell in his abſence, forthwith let them know the ſame: You ſhall reare no new Cuſtomes or Taxes, to the vexation of any Comers or Goers.

V. *The* OATH *of the Maſter of the Ordinance, for the Towne of* Barwicke.

YOU ſhall ſweare, That you ſhall be true and faithfull to our Soveraign Lady *Elizabeth*, by the Grace of God, Queene of *England*, *France*, and *Ireland*, Defender of the Faith, *&c.* You ſhall be obedient to the Governour of this Towne, for the good Governance and Defence of the ſame; and ſhall give good Counſell and Aſſiſtance to him, and all other Officers of the Towne, to the uttermoſt of your Power: You ſhall ſee that the Ordinance, Artillery and Munition be ſafely and well kept from all danger of the Enemies, of Fire, or other Miſadventures, to the beſt of your Power; and that the Ordinance and Artillery placed for the Defence of this Towne, be alwaies kept in good repair, and

be in readineſs, for the uſe where the ſame is, or ſhall be planted: You ſhall iſſue no part thereof at any time, but for the Service of this Towne, nor ſhall expend any portion of your Office, but by Warrant. Finally, You ſhall obſerve and keep, or cauſe to be obſerved and kept, all manner of Statutes, Laws and Ordinances of this Towne, heretofore made, and now remaining in Force, for the good governance of the ſame Towne.

IV. *The* OATH *of the Clerke of the* Checque *in* Barwicke.

YOU ſhall ſwear, That you ſhall be true and faithfull to our Soveraigne Ladie *Elizabeth*, by the Grace of God, Queene of *England*, *France* and *Ireland*, Defender of the Faith, *&c.* You ſhall ſweare to keepe truly the Bookes of Muſters of all the perſones in the Towne; and you ſhall keepe true Record, and Report of the time of all manner of perſons departing from the Towne, being either licenced for more than two days, or being caſhiered or diſcharged of Service, and of all ſuch as ſhall depart without Licence, and ſhall duly informe the Governour of the Defaults that you ſhall finde, and the ſame you ſhall checque in your Booke, and the ſame Booke you ſhall duly keepe, and at the Pay ſee the Party thereof taxed and defaultee, and further puniſhed as the Cauſe ſhall require.

VII. *The* OATH *of Captaines of Bands in the Towne of* Barwicke.

YOU ſhall ſweare to be true and good to our Soveraigne Lady the Queene, and to the Governour of the Towne, and ſhall keepe your whole number being in your charge, without diminiſhing or admitting of the ſame, untill you have certified the Governour of the Towne thereof, and that the Clerke of the Checque by the Governour's appointment, have enrolled the ſame in his Booke; and if any of your Band ſhall eſcape away, or dye, you ſhall forthwith notifie the ſame to the Governour of the Towne, and the ſaid Clerke of the Checque: You ſhall not refuſe to come to Common Muſters at any time, upon the Call of the Governour of the Towne, either being alone, or elſe having with him the Treaſurer and Clerke of the Checque; Neither ſhall you bring to muſter any perſon but ſuch as have ſerved in your Band, during the time for which he ſhall have Pay; Neither ſhall you, to your knowledge, ſuffer any one to be in your Band, that receiveth any Man's Pay of our Treaſurer, in any other Roome or Place within this Towne, except it be for the Taxworke in our Fortifications, whereof you ſhall make privie the Treaſurer, and Clarke of the Checque; You ſhall ſee, and cauſe every your Souldiers to be frequently trained, and taught the uſe of their Weapons, and other Feates of War

War convenient for them; and at the leaſt you ſhall cauſe the ſame to be done every fourteen days in Summer once, and every twenty days in Winter: You ſhall not permit any of your Bands to take any more Victuals, or other Wares within that Towne, than his Wages will diſcharge; You ſhall with your Band watch and ward for the defence of this Towne, as you ſhall be appointed by the Marſhal and Governour thereof. You ſhall not depart out of the Towne and Marches, further than the Orders of the Towne doe permitt, without leave of the Governour of the Towne, or in his abſence, by his Deputy, under their Writings and Seale, mentioning the time of your leave to be abſent, and before your departure (if it ſhall be longer than for three days) you ſhall preſent your ſelf to the Treaſurer, or his Deputy, giving notice unto them for the time licenced for your abſence; and at your Return you ſhall alſo give notice to the ſaid Treaſurer and Clerke of the Checque: You ſhall alſo be obedient to the Governour, and other Counſellors of this Towne, and ſhall obey all Statutes and Ordinances of the ſame.

VIII. *The* OATH *of every Private Souldier in* Barwicke.

YOU ſhall ſweare, To be good and true to our Soveraigne Lady the *Queene*, and to the Governour of this Towne for Her Majeſties Service, and truly (doe as much as in you ſhall lye, to) keep this Towne alwaies true *Engliſh*, and in good obedience to the Governour, Marſhall, and other Officers thereof; and you ſhall be governed by your Captaine within any Debate or Rebellion; and if you ſhall know any thing hurtfull to the State of this Towne, or to any part thereof, you ſhall forthwith diſcloſe the ſame, either to your Captaine, or to the Governour, or to one of the Councell of the Towne: You ſhall keepe ſuch Armour and Weapon, as you are by your Captain limited to have, without willful ſpoille, or ſelling thereof, except it be to provide better; You ſhall keep all other Ordinances of this Towne, that may any waies pertaine to you to keepe.

NUM.

NUM. VI.

§. 1. Records of *Edw.* I.

Lancaſtria. De Munitione faciendâ contra *Scotos.*

REX Vicecomiti *Lancaſtriæ*, ſalutem. Cùm *Scotorum* malignationem, nobis & regno noſtro ſeditiosè minitancium, opportunum ſit prævenire, ne forſan in curſu latenti dictum regnum noſtrum ingrediantur, & in noſtrates irruant inopinatè; cùm ex improviſo cujuſlibet debilitatur defenſio: Tibi præcipimus, ſub periculo vitæ & membrorum, quod ſecretiùs & circumſpectiùs quo modis omnibus fieri poterit, tam per te quam per tuos de quibus cordialiter confidis, inveſtigari facias, ſi dicti *Scoti* aliquatenus malignentur ſeu machinentur, per eorum adventum in Comitatu prædicto: Et ſi de adventu eorum tibi conſtare poterit, die & nocte nuncium tuum equitem ad Scaccarium noſtrum tranſmitti facias, omnia ibidem, ſecundum quod ed exquiſieris, pleniùs relaturum, ut ex tunc citiùs & ſecuriùs per fulcimen aliorum reſiſtentia fieri poterit. Inſuper, ſtatim viſis Literis iſtis, per totum Comitatum tuum, tam infra Libertatem quam extrà, in quolibet *Hundredo* & *Wapentachio*, & in omnibus Villis † Mercatis, & aliis quibus decet, proclama-

† 'Tis *Mercatis*, in the Roll, for *Mercatoriis.*

ri facias, quòd omnes homines ejuſdem Comitatus, tam illi qui ſunt ad Equos & Arma, quam alii ejuſdem Comitatûs, habeant equitaturam & arma ſua; ſecundum quod ad hoc agitantur, nocte & die in promptu, parati pro defenſione dicti Comitatus faciendâ. Præcipimus etiam tibi, quòd ſuper cacumina montium parari facias cumulos lignorum & turbonum, ut, cùm alicui parti dicti Comitatûs de adventu *Scotorum* conſtiterit, ſtatim rogos & concremationes de illis lignis & turbonibus faciant, ut in cæteris montibus ſimiles crematione fiant, pro univerſali præmunitione dicti Comitatûs. Et ſi aliquem *Scotum*, hominem, vel fæminam, vel aliquem de eorum affinitate, infra dictum Comitatum tuum reperiri contigerit, tunc ipſos capias, & ſalvò in priſonâ noſtra cuſtodiri facias, donec aliud inde tibi præceperimus. Proviſo ſiquidem, quod Cuſtodiæ & Vigiliæ per totum dictum Comitatum*, ut perinde malicia *Scotorum* cautiùs poterit evitari. Teſte *P.* de *Wylugby*, tenente locum Theſaurarii noſtri, apud *Ebor* xix die *Julii*.

Conſimili modo, mandatum eſt Vicecomiti *Northumbriæ*, *Weſtmerl. Cumbr.*

Et *Haſculpho* de *Clyſeby*, pro ballivâ ſua muniendâ. Teſte ut ſupra.

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* *Habeantur*, or ſome ſuch Word, ſeems to be wanting.

Trin

Trin. Brevia Irreternabilia, 26 *Ed. I.* Rot. 91. *b. in Bund.* 25 & 26 *Ed. I. ex parte Remem. Theſ.*

Baronibus,

Per *Robertum de Clifford.*

A Nobles Hommes & Sages, le Tretorier & les Barons del Eſcheker noſtre Seignur le Rey, *Robert* de *Clifford* Cheventayn des Conteys de *Cumbreland*, *Weſtmerland* & *Lancaſtre*, ſaluz, honur & reverence. Saches, Sires, que Sirè *Willam* de *Molecaſtre*, Sire *Thomas* de *Felton*, *Robert* de *Molecaſtre*, & *Richard* de *Molecaſtre*, ſunt entendantz ſur la Marche en ayde a la defence de la Marche, Par quei il ne poent eſtre devant vous a quinzeme de la *Seint Johan*, ſi come il ſont ſomons. E pur ceo vous priums, qe leur abſence au dit jour voiles avoir excuſe, & qe il ſeient ſanz damage, parmi noſtre teſmonance. Eſcrites a *Louchmaban*, le quart jour de Juyl, lan le Rey *E.* xxvii.

Trin. Brevia 26 & 27 Edw. I. Rot. 29. b.

§. 2. *Rot.* Scotiæ, 8. Edw. III^tii^. *M.* 17.

Pro Rege de intendendo Rado' de Nevyll, *Cuſtodi Superiori Marchiæ* Scotiæ.

REX, Archiepis. Epis. Abbatibus, Prioribus, Comitibus, Baronibus, Militibus, Vicecomitibus, Majoribus, Ballivis, Miniſtris, & omnibus aliis in Com. *Northumbr.* tam infra Libertates quam extra, ad quos, &c. Salutem.

Cum nuper dato nobis intelligi quod quamplures *Scoti*, in diverſis partib9 *Scotiæ*, Congregationes, Confæderationes, & Conventicula illicita indies facientes, tam terras noſtras quas ibidem habemus, quam alias Regni noſtri *Angliæ* invadere, dilectumq; Conſanguineum noſtrum, Dominum *Edwardum*, Regem *Scotiæ* impugnare in eiſdem, & dictum Conſanguineum noſtrum, ac populum noſtrum gravare, & alia mala ibidem perpetrare multipliciter nitebantur: Et nos ipſorum malitiæ in hac parte obviare, & ſalvat ioni & quieti populi noſtri, dictiq; Conſanguinei noſtri circumquaq; prout ad hoc aſtringimur, volentes providere, ac de fidelitate & circumſpectione provida dilectorum & fidelium noſtrorum *Henr. de Percy*, & *Radi. de Nevil*, plenius confidentes, aſſignaverimus, & deputaverimus præfatos *Henr.* & *Radum.* conjunctim & diviſim, ſuperiores Cuſtodes, tam Marchiarum noſtrarum in Com. *Northumbr. Cumbr.* & *Weſtmerl.* quam aliarum terrarum noſtrarum

ad

ad faciendum & exercendum omnia & ſingula quæ pro conſervatione Marchiarum, & terrarum noſtrarum prædictarum, ac manutenentia dicti Regis & populi noſtri ibidem poſſent pertinere. Dederimuſq; præfatis *Henr.* & *Rado.* ſeu deputand. ab ipſis vel eorum altero, plenam poteſtatem, omnes illos de Ligeantia noſtra, tam de Marchiis prædictis, quam de terris prædictis, qui pacem illam in aliquo impetire, ſeu infringere præſumpſerint, caſtigand. & puniend. per Arreſtationes, Impriſonamenta, & Detentiones Corporum ſuorum, ad voluntatem noſtram; nec non levandi totum poſſe Comitatuum Marchiarum, & terrarum prædictorum tam infra Libertates quam extra, quotiens contingeret aliquos dictum Conſanguineum noſtrum, impugnare, ſeu Marchias ac terras prædictas, armata potentia, ad populum noſtrum gravand. ſeu dampnificand. ingredi, aut aliqua alia in enervationem pacis prædictæ facere, quod abſit, ad ipſorum malitiam refrænand. & repelland. & ad aſſiſtend. dicto Conſanguineo noſtro, in hiis quæ Conſervationem & Salvationem prædictarum terrarum, ac repulſionem & malitiam dictorum *Scotorum* hujuſmodi facinora ſic perpetrare volentium concernebant, quotiens opus foret; ac præfatus *Henr.* quibuſdam aliis negotiis noſtris ſit intendens, per quod ad premiſſa faciend. in Comitatibus, Marchiis, & terris prædictis, vacare non poteſt. Nos negotium prædictum, ex cauſa prædicta, aliqualiter retardari vel impediri nolentes, vobis omnibus & ſingulis in fide & ligeantia [illegible] nobis tenemini, & ſub forisfactura omnium quæ nobis forisfacere poteritis, firmiter injungendo mandamus quatinus eidem *K* [illegible] tanquam ſuperiori Cuſtodi, Com. Marc. [illegible]

rum & terrarum prædictarum, in præmiſſis omnibus & ſingulis faciend. & complend. intendentes, ſitis obedientes, conſulentes, & auxiliantes, quotieſcunq; quandocunq; & ubi per ipſum ſeu deputatum ab eodum, ſuper hoc ex parte noſtra fueritis præmuniti. In cujus, &c. Teſte Rege apud *Waltham*, xxviii die *Auguſti*.

Per Breve de Privato Sigillo.

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§. 3. *Rot.* Scotiæ, 30 Edw. III^tii. *M.* 8.

De Proclamatione faciend. de Antiquis Legibus Scotiæ utend.

REX, Cancellar. & Camerar. Villæ noſtræ *Berewici* ſuper *Twedam*, ac Vic. nris. de *Berewico* & Rokesburgh, & univerſis aliis & ſingulis Conſtabulariis, Caſtellanis, & aliis Miniſtris, & fidelibus noſtris, ad quos, &c. ſalutem. Sciatis, quod cum *Edwardus* de *Balliolo*, nuper Rex *Scotiæ*, Conſanguineus noſter cariſſimus, per Cartam ſuam, Regnum & Coronam *Scotiæ*, & totum jus quod in eiſdem Regno & Corona habuit, nobis & hæredibus noſtris dederit & conceſſerit, prout in Carta ſua prædicta plenius continetur: Nos volentes publicè patere notitiæ quod Intentionis & Voluntatis noſtræ exiſtit, quod homines de dicto Regno *Scotiæ* eiſdem Legibus & conſuetudinibus quibus antequam dicta Regnum

&

& Corona *Scotiæ* ad manus noſtras ſic devenerunt, uſi fuerunt, regantur & gubernentur, & quod eædem Leges & Conſuetudines in aliquo non mutentur, nec eas mutare intendimus quoquo modo. Vobis mandamus quod Intentionem & Voluntatem noſtras prædictas in ſingulis locis infra diſtrictus veſtros publicè proclamari & teneri, & omnes homines dictæ terræ per eaſdem Leges & Conſuetudines, regi & gubernari fac. Et hoc ſub forisfactura omnium, quæ nobis forisfacere poteritis, nullatenus omittatis. In cujus, *&c.* Teſte Rege apud *Weſtm.* XV die *Martii.*

Per ipſum Regem.

REX, dilecto Conſanguineo, & fideli ſuo *Willo.* de *Bohun*, Comiti *Northt.* Cuſtodi, & Locum noſtrum tenenti in Marchia *Scotiæ*, ſalutem. Sciatis, quod cum, *&c.* ut ſupra, uſq; ibi quoquo, & tunc ſic. Vobis mandamus, quod Intentionem & Voluntatem noſtras prædictas in ſingulis locis infra dictum Regnum *Scotiæ*, ubi expedire videritis publicè proclamari, *&c.* fac. Et hoc ſicut nos, & honorem noſtrum, diligitis, & ſicut de vobis confidimus, nullatenus omittatis. Teſte ut ſupra.

§. 4.

§. 4. *Rot.* Scotiæ, 36. Edw. III^tii. *M.* 3.

De Cuſtodibus Trugarum in Marchiis Angliæ & Scotiæ *conſtitutis.*

REX, dilectis & fidelibus ſuis, *Henrico* de *Percy*, & *Rado.* de *Nevyll*, ſalutem. Sciatis, quod nos de fidelitate & circumſpectione veſtris plenius confidentes, ſtatuimus vos conjunctim & diviſim, ad Trugas, inter nos, & *David* de *Bruys* de *Scotia*, Fratrem noſtrum, ultimo initas in Marchiis *Angliæ* & *Scotiæ*, per totum Dominium noſtrum verſus partes Orientales obſervand. & tenend. & obſervari & teneri faciend. & ad omnes illos quos contra formam Trugarum prædictarum attemptantes, ſeu alias delinquentes, vel vobis inobedientes, inveneritis capiend. arreſtand. & impriſonand. & juxta eorum demerita puniend. ac a priſona dimittend. prout vobis & cuilibet veſtrum melius videbitur expedire, & in caſu quo hujuſmodi Malefactores & delinquentes infra Libertates de *Tyndale*, *Rydeſdale*, *Hextildeſham*, *Norham*, *Dunſtanburgh*, & *Redilyngton*, vel aliquas alias Libertates diffugerint, & Cuſtodes ſeu Ballivi Libertatum hujuſmodi, eoſdem malefactores & delinquentes, infra Libertates illas, ad mandatum veſtrum, vel alicujus veſtrum capere, & vobis & mandatis veſtris obedire noluerint, ad Libertates illas ingrediend. & Cuſtodes

Cuſtodes & Ballivos Libertatum illarum ſic vobis inobedientes una cum malefactoribus prædictis capiend. arreſtand. impriſonand. caſtigand. & puniend. in forma prædicta, & ad alios quos idoneos inveneritis loco veſtri, vel alicujus veſtrum, quotiens expedire videritis ad præmiſſa faciend. ſubſtituend. & deputand. ac omnia alia & ſingula quæ pro conſervatione Treugarum, & punitione delinquentium, ac Salvatione & Defenſione Marchiarum prædictarum neceſſaria fuerit, vel opportuna faciend. & exequend. Et ideo vobis & cuilibet veſtrum mandamus, firmiter injungentes, quod circa præmiſſa facienda, & exequenda intendatis in forma prædicta. Damus autem univerſis & ſingulis Ducibus, Comitibus, Baronibus, Militibus, Hominibus ad Arma, Vicecomitibus, Ballivis, Miniſtris, & aliis Fidelibus noſtris in Marchiis & Dominio prædictis, tenore præſentium in mandatis quod vobis & cuilibet veſtrum, & deputand. a vobis vel altero veſtrum in præmiſſis faciend. & exequend. intendentes, ſint conſulentes, & auxiliantes, quotiens & prout eis vel eorum alicui ſcire feceritis ex parte noſtra. In cujus, *&c.* Teſte Rege apud *Weſtm.* xx die *Aprilis.*

Per ipſum Regem.

Rot.

Rot. Scotiæ. 36° Edw. III^tii. M. 4.

Poteſtas tractandi cum David *de* Bruys *de Pace finali.*

REX omnibus ad quos, *&c.* ſalutem. *Sciatis* quod Nos de Legalitate, diſcretione, & providentia Venerabilium Patrum, *Johannis* Archiepi. *Ebor. Angliæ* Primatis, *Thomæ Dunelm.* & *Gilberti Karliol.* Epiſcoporum, ac dilectorum & fidelium noſtrorum *Henrici* de *Percy*, *Radi'* de *Nevill*, *Thomæ* de *Lucy*, & *Thomæ* de *Muſgrave* Militum, plenius confidentes; eiſdem conjunctim, & quatuor ipſorum, quorum præfatum Archiepum. & alterum ipſorum Eporum. duos, & prædictos *Henr.* & *Radum.* alios duos eſſe volumus, Tractatores, Compoſitores, amicabiles Procuratores & Nuncios ſpeciales, omni Jure, modo, forma & cauſa quibus melius poſſumus, facimus, deputamus, & conſtituimus, per præſentes, dantes & concedentes eiſdem conjunctim, & quatuor ipſorum ſeperatim ab aliis, prout ſuperius diſcribuntur, plenam & liberam poteſtatem, authoritatem, & mandatum ſpeciale, noſtro, & ſubditorum noſtrorum quorumlibet vice & nomine ac pro nobis & ipſis ad tractandum cum Fratre noſtro *David* de *Bruys* & Deputatis ſeu Deputandis ad hoc per ipſum, & quibuſcunq; aliis ad tractand' firmand' ac faciend' ea quæ in hac parte firmari & fieri poterunt & debeant, plenam & ſufficientem poteſtatem & authoritatem

tatem habentibus de ac ſuper Pace finali, tranquillitateq; perpetuis, inter nos, hæredes, ſubditos, alligatos & adhærentes noſtros ſingulos, ex una parte; ac præfatum fratrem noſtrum, hæredes, ſubditos ſuos, faventes & adhærentes eidem, & alios quorum intereſt vel intererit in futur' communiter vel diviſim ex altera, fœliciter favente Domino, faciend' de & ſuper omnibus & ſingulis queſtionibus, debatis, petitionibus, venditationibus & actionibus quibuſcunq; realibus, perſonalibus, ſive mixtis, ac controverſiis & litibus inter nos, ſubditos, alligatos noſtros nobis faventes & adhærentes hujuſmodi, ac dictum Fratrem noſtrum ſubditos ſuos alioſq; prædictos ullis unquam retroactis temporibus habitis, motis, agitatis, & inexpeditis pendentibus vel etiam indiſcuſſis, ac in & ſuper præmiſſis omnibus & ſingulis emergentibus & dependentibus ex eiſdem cum prædicto Fratre nro. deputatis & deputandis hujuſmodi componend' tranſigend' paciſcend' & finaliter concordand' necnon pacem & tranquillitatem & concordiam perpetuas & finales ineund. contrahend. & etiam faciend. Ligas inſuper Confæderationes, Pactiones & perpetuas Amicitas inter nos, hæredes, ſubditoſq; noſtros, ac Regna & Dominia noſtra quæcunq; præſentia & futura, ubicunq; fuerint aut erunt impoſterum, ac eundem Fratrem nrm. Regnum *Scotiæ*, ipſiuſq; ſubditos & Incolas qualeſcunq; præſentes & poſteros contrahend. ineund' & faciend' ſtabiliend' & etiam acceptand' necnon Tractatus Tranſactiones, Compoſitiones, Pacificationes, Concordias, Ligas, Confæderationes, Pactiones & Amicitias prædictas Pœnis, Juramentis Stipulationibus, Promiſſionibus,

bus, Obligationibus, & aliis quibuſcunq; Securitatibus & Firmitatibus, valland. muniend. aſſecurand. & firmand. ac de tenendo, firmando & fideliter obſervando condita & concordata in hac parte Juramentum quodcunq; licitum in animam noſtram præſtand. ac omnia alia & ſingula faciend. expediend. & excercend. quæ in præmiſſis & circa ea & alia quam ſuperius ſunt expreſſa, utilia, neceſſaria vel oportuna fuerint, etiam ſi mandatum exigant ſpeciale.

Promittens nos ratum & gratum, firmum ac ſtabile, cunctis temporibus habituros quicquid per Deputatos noſtros, Procuratores ſeu Nuntios hujuſmodi ut præfertur actum in præmiſſis fuerit ſive geſtum, ſub bonorum noſtrorum omnium Obligatione & etiam Ypotheca.

Dat. *London.* ſub Magni Sigilli noſtri teſtimonio, xxv°. die *Junii.*

§. 5.

§. 5. *Rot.* Scotiæ 8° Rici. IIdi. *M.* 4.

Rex omnibus ad quos, &c. *ſalutem. Inſpeximus formam quarundam Indenturarum inter Cariſſimum Conſanguineum noſtrum* Henr' Percy *Comitem* Northumber' *& potentem virum* Archibaldum *de* Douglas *Dominum de* Galway *coram nobis in Concellariam nram. miſſam fact. in hæc verba.*

THIS INDENTURE made at ye Water of *Eske*, be ſid *Salom* ye xv day of *Marcz*, ye Zher of our Lord $\frac{i}{m}$ CCC. $\frac{xx}{iiii}$ and iiii. be twixt Noble Lardes and Meghty, Siris *Henry Percy* Erle of *Northumber'* of the ta part, and *Archibald* of *Douglas*, Lord of *Galway* on ye toyir parte, contenys and berres vitnes that day of radreſs ſal be halden betwixt yam in propre perſons at the place beforeſaide, ye xix day of *Averill* next for to cumme, wht ye continuation of days for to do and tak full radreſſe and execution of all things don be twixt yair Boundes apan the *Weſte-Marche* begynande ye xiiii day of *Octobr'* to *Candelmaſs* day laſt paſſyt, and yan it fell in ſpech be twixt the forſayd Lords, That in entent of Common profit of bathe Reaumes, gif hit meght happen of langer Trewe,

Trewe, or ell Pees, gif God vald vouche ſauſe, and als for the time is to ſchort to make full redraſs beforſayd, the forſayd Lordes are accordit in ſpecialte, as efter folowes; yat is for to ſay, the Erle of *Northumbr'* for hym, and for the Lord *Nevill*, and the Lord of the *Galleway*, for the Earle of *Douglas*, and for hymſelfe yat ſpeciall Trew and Aſſurance ſall be betwixt thaim and thair Boundes betwixt this and the firſt day of *July* next for to come, contenant and havenand the force and effect in all poyntez as the next Trew gangand before. Alſo it is acordit, that durant the tyme beforſayd, nane of the Lords beforſayd, ne nane of thair Bounds ſal do skathe to tha of the Boundes of the tothir partie, bot tha ſall ger it be redreſſit, als Lawe of *Marche* will enterchaungeably. And gif it happins that any gretter awir of the ta Reaume or of the tothir, ſchapes for to ride wht Oſte, ilken of the Lordes beforſayd, enterchaungeably ſall ſet let thair in at thair powar; and in Cas thay may noght let it, thai ſall ger warne the tother part of xv days, and thai ſall noght be at that Rydyng, bot thay ſall lely let thaim of thair Boundes at thair power for owten Fraude or Gile. And alſo it is accordit, that this Condition of Speciall Trewe and Aſſurance ſall ſtand and be kephit fullely by See als well as for thair Boundes be Lande, as the Trewes beforeſayd askys. And alſo hit is accordit, That gif thir ſpecialx Trewes likes to the Erle of the *Marche* to be compriſet wht in thanne, that thei ſall ſtand furght for hym and his Boundes, and he ſall ſtand for him and his Boundes, under the ſamen Condition anentys thaim

thaim and thair Boundes, and gif thir Covenantz beforeſaid likis, or miſlikis the foreſaid Erle of *Northumbr'*, or to the Lord the *Nevil*, thay ſall certifie be thair Letters, or be on of thaires opon Black Monday, that next commis befor None, at the Chapell of *Salom*, be the Water of *Eske*, and in the ſamen manere, gif it likis, or miſlikis to the Erle of *Douglas*, or the Lord of *Galleway*, thai, or ane of thaim ſall certifie by Letter, at the Place, Day and Oure beforeſayd; and in caſe gif thai certifie that this Specialtie ſtand, that day that chuld be halden, the xix day of *Averill* chall be chot to the xv day of *May* next to cumme, to be halden in all force and effect as the xix day of *Averill*, and the day on the *Eaſt-Marche* ſall be delayed in the ſamen manner as it is indentit to be halden the xxix day of *May*. And alſo it is accordit, That all Priſoners taken on both the ſidis ſall be freely deliverid, and all thair borons frethit. Alſo it is accordit, gif ony ſtellis authir on the ta part, or on the tothyr, that he ſall be henget or hefdhit; and gif ony Company ſtellis any Gudes wht in the Trieux beforeſayd ane of that Company ſall be hengit or heufdit, and the remanent ſall reſtore the Gudys ſtollen in the double. In the witnes of the wiſche thinges, lely to be halden and fulfyllyt the foreſaid Erle of *Northumbr'* and the Lord of *Galleway* has ſett thair Signetz enterchangeably, in abſens of thair ſelles, day and the yer beforeſayd.

Nos autem Indenturas prædictas & omnia contenta in eisdem ratificamus, approbamus & per præsentes confirmamus. In cujus, &c.

Dat. apud Westm' ix° *die* May.

Convenit cum Recordo.

Geo. Holmes.

FINIS.